

Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. SIMMONS: Petition of the Citizens' Temperance League of Kendall, N. Y., for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. STEPHENS of California: Petition of the Whittier Quarterly Meeting of the Friends' Church and the Men's League of the Friends' Church of Whittier, Cal.; from the First Methodist Episcopal Church of Covina, Cal.; and from numerous citizens of Pasadena, Cal., for the passage of the Kenyon-Sheppard bill to withdraw from interstate-commerce protection liquors imported into "dry" territory for illegal use; to the Committee on the Judiciary.

By Mr. STERLING: Petitions of citizens of Dwight and Lincoln, Ill., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. SULZER: Petition of citizens of New York City, for enactment of House bill 17253; to the Committee on Ways and Means.

Also, petition of the United States Civil Service Retirement Association, for enactment of Hamill bill; to the Committee on Reform in the Civil Service.

Also, petition of Playground and Recreation Association of America, for enactment of House bill 17681; to the Committee on the District of Columbia.

Also, petition of Buffalo (N. Y.) Cooperative Store Co., for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of Municipal Council, United Spanish War Veterans, New York City, for enactment of House bill 17470; to the Committee on Pensions.

Also, petition of Simpson-Crawford Co., of New York City, protesting against passage of House bill 16844; to the Committee on Interstate and Foreign Commerce.

Also, petition of J. Whitridge Williams, of Baltimore, Md., for an appropriation for Columbia Hospital for Women; to the Committee on the District of Columbia.

Also, petition of E. J. Babcock, of University of North Dakota, for enactment of House bill 6304; to the Committee on Mines and Mining.

Also, memorial of National Injunction League, indorsing House bill 11032; to the Committee on the Judiciary.

By Mr. TOWNER: Petition of Commercial Club of Clarinda, Iowa, protesting against the proposed parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Sharpsburg, Shambaugh, and Braddyville, Iowa, against parcel post; to the Committee on the Post Office and Post Roads.

By Mr. UNDERHILL: Petitions of numerous citizens of New York, urging the construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of numerous citizens of Dundee, N. Y., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. VREELAND: Petition of Friendship Seventh-Day Baptist Church, Friendship, Allegany County, N. Y., for passage of Kenyon-Sheppard bill, to withdraw from interstate-commerce protection liquors imported into "dry" territory for illegal use; to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union, of Nile, N. Y., for passage of Kenyon-Sheppard bill, to withdraw from interstate-commerce protection liquors imported into "dry" territory for illegal use; to the Committee on the Judiciary.

By Mr. WHITE: Petition of citizens of Cambridge, Ohio, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. WOOD of New Jersey: Petitions of Young People's Branch of the Woman's Christian Temperance Union, of South Bound Brook, N. J.; the Baptist Church, of Flemington, N. J.; Mount Carmel Baptist Church, of Lambertville, N. J.; Reformed Church, of Peapack, N. J.; and Woman's Christian Temperance Union, of Trenton, for the passage of the Kenyon-Sheppard bill; to the Committee on the Judiciary.

Also, petition of Locktown Grange, No. 88, Patrons of Husbandry, of Locktown, N. J., asking for a reduction of the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. YOUNG of Kansas: Petition of citizens of Cawker City, Kans., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Cawker City, Kans., for regulation of express rates and classifications; to the Committee on Interstate and Foreign Commerce.

## SENATE.

SATURDAY, March 9, 1912.

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

MINIDOKA RECLAMATION PROJECT IN IDAHO (S. DOC. NO. 384).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 26th ultimo, certain information relative to water users on the Minidoka reclamation project in the State of Idaho, etc., which was referred to the Committee on Irrigation and Reclamation of Arid Lands and ordered to be printed.

### FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions of law filed by the court in the following causes:

Mary E. Broders, widow of Henry B. Broders, deceased, v. United States (S. Doc. No. 385);

Walter H. Coon v. United States (S. Doc. No. 386);

W. R. Milward, administrator of Charles Milward, deceased, v. United States (S. Doc. No. 387);

Robert W. Pool v. United States (S. Doc. No. 388);

Robert A. Ragan v. United States (S. Doc. No. 389);

Alice Reade, widow of John Reade, deceased, v. United States (S. Doc. No. 390);

Rachel M. Reubelt, widow of John A. Reubelt, deceased, v. United States (S. Doc. No. 391);

Harriet B. Riley, widow of William E. Riley, deceased, v. United States (S. Doc. No. 392);

Adam Schuh v. United States (S. Doc. No. 393);

Samuel C. Scott v. United States (S. Doc. No. 394);

Henry A. Smith v. United States (S. Doc. No. 395);

James P. Taber v. United States (S. Doc. No. 396);

Andrew J. Thomas v. United States (S. Doc. No. 397);

Fred von Baumbach v. United States (S. Doc. No. 398);

William E. Woodruff v. United States (S. Doc. No. 399); and

Jacques Kalt v. United States (S. Doc. No. 400).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed a bill (H. R. 21230) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, in which it requested the concurrence of the Senate.

The message also returned to the Senate, in compliance with its request, the bill (S. 4238) to provide for the use of the American National Red Cross in aid of the land and naval forces in time of actual or threatened war.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 19238) to amend section 90 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

### ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 4151) to authorize the Minnesota & International Railway Co. to construct a bridge across the Mississippi River at or near Bemidji, in the State of Minnesota, and it was thereupon signed by the Vice President.

### PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented petitions of the King's Daughters Circle of Clarkesburg, Va., of the congregation of the Christian Church of Ensley, Ala., and of the Woman's Christian Temperance Unions of Middlesex County, Mass.; Van Meter, Iowa; Palmyra, Wis.; Granville, Ill.; and of Kansas City, Kans., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented resolutions adopted by the Russian River Chamber of Commerce, of California, praying that an appropriation be made for the improvement of the Yosemite National Park, which were referred to the Committee on Public Lands.

Mr. BURTON. I present two memorials protesting against the reduction of the tariff on watches and watch movements



proposed in the pending tariff bill. One is signed by 2,771 employees of the Elgin National Watch Co. and the other by 670 employees of the Hampden Watch Co. I move that the memorials be referred to the Committee on Finance.

The motion was agreed to.

Mr. LORIMER presented memorials of sundry citizens of Chicago, Streator, Belleville, Galesburg, Danville, Quincy, Granite City, Centralia, Kewanee, East St. Louis, and Breese, all in the State of Illinois, remonstrating against the proposed abolishment of the hand-roller process of manufacturing paper currency, which were ordered to lie on the table.

Mr. BRISTOW presented a memorial of Local Post No. 203, Department of Kansas, Grand Army of the Republic, of Mulvane, Kans., remonstrating against the incorporation of the Grand Army of the Republic, which was referred to the Committee on the District of Columbia.

He also presented petitions of the congregations of the Friends Church, the First Baptist Church, and the Fairview Christian Church, all of Wichita, in the State of Kansas, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Cawker City, Kans., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Leavenworth, Kans., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, together with the so-called Root amendment, and also for the ratification of a similar treaty with Germany, which was ordered to lie on the table.

He also presented a petition of members of the Good Government Club of Topeka, Kans., praying that an appropriation be made to aid in stamping out the white-slave traffic, which was referred to the Committee on Appropriations.

He also presented a petition of Colonel King Camp, No. 2, Department of Kansas, United Spanish War Veterans, of Fort Leavenworth, Kans., praying for the enactment of legislation to pension widow and minor children of any officer or enlisted man who served in the War with Spain or the Philippine insurrection, which was referred to the Committee on Pensions.

Mr. WETMORE presented a petition of the Mount Pleasant Woman's Christian Temperance Union, of Providence, R. I., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. WILLIAMS presented a petition of Local Lodge No. 116, Free and Accepted Masons, of Corinth, Miss., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. JOHNSTON of Alabama presented memorials of sundry citizens of Montgomery and Uniontown, in the State of Alabama, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

Mr. CULBERSON presented a petition of sundry citizens of Friendswood, Tex., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Hubbard and Seymour, in the State of Texas, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

Mr. BROWN presented resolutions adopted by the Nebraska State Bottlers' Association, in convention at Lincoln, Nebr., favoring a reduction of the duty on raw and refined sugars, which were referred to the Committee on Finance.

He also presented a petition of sundry members of the Nebraska National Guard, residents of Kearney, Nebr., praying for the enactment of legislation to further increase the efficiency of the Organized Militia, which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Cowles, Nebr., praying for the enactment of legislation providing for the establishment of agricultural extension departments in connection with the agricultural colleges in the several States, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of members of the Nebraska Woman Suffrage Association, praying for the adoption of an

amendment to the Constitution granting the right to women to vote, which was referred to the Committee on the Judiciary.

Mr. SIMMONS presented memorials of sundry citizens of Sanford, Burlington, Chalybeate Springs, and Belhaven, all in the State of North Carolina, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Hendersonville, Sanford, Durham, Gum Neck, Heathsville, Clinton, Seagrove, and Mooresville, all in the State of North Carolina, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the congregations of the Methodist Episcopal Church of Newton Grove and of the Methodist Episcopal Church of Wesley Chapel; of the Ministerial Association of Charlotte; of the Antislavery League of Raleigh; and of sundry citizens of Warrenton, Rowland, and Stoneville, all in the State of North Carolina, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a memorial of the Chamber of Commerce of Newbern, N. C., remonstrating against the proposed abolishment of the Revenue-Cutter Service, which was referred to the Committee on Commerce.

He also presented resolutions adopted by the Chamber of Commerce of Goldsboro, N. C., praying for the establishment of a Federal court at that place, which were referred to the Committee on the Judiciary.

Mr. KERN presented a petition of Major Henry Post, No. 230, Department of Indiana, Grand Army of the Republic, of Pendleton, Ind., praying for the passage of the so-called dollar-a-day pension bill, which was ordered to lie on the table.

He also presented a petition of the congregation of the Baptist Church of Clinton, Ind., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Terre Haute, Ind., praying for the enactment of legislation providing for the construction of one of the proposed new battleships in the Brooklyn Navy Yard, which was referred to the Committee on Naval Affairs.

He also presented a petition of sundry citizens of Lawrence County, Ind., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Marion, Ind., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Indianapolis, Ind., remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

Mr. GALLINGER presented a petition of Winnicomet Council, No. 3, Junior Order United American Mechanics, of Hampton, N. H., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

Mr. BOURNE presented a petition of sundry citizens of Portland, Oreg., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Toledo and Linville, in the State of Oregon, remonstrating against the enactment of legislation compelling the observance of Sunday in post offices, which were referred to the Committee on Post Offices and Post Roads.

Mr. JOHNSON of Maine presented petitions of the Woman's Christian Temperance Union and of Comet Grange, Patrons of Husbandry, of Swanville, and of sundry citizens of Chester, all in the State of Maine, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of Green Mountain Pomona Grange, Patrons of Husbandry, of Hancock, Me., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Colonel L. H. Kendall Camp, No. 1, Department of Maine, United Spanish War Veterans, of



Biddeford, Me., praying for the enactment of legislation to pension widow and minor children of any officer or enlisted man who served in the War with Spain or the Philippine insurrection, which was referred to the Committee on Pensions.

He also presented a petition of A. E. Clark Camp, Sons of Veterans, of Belfast, Me., praying for the passage of the so-called dollar-a-day pension bill, which was ordered to lie on the table.

Mr. BURNHAM presented a petition of Winnicomet Council, No. 3, Junior Order United American Mechanics, of Hampton, N. H., and a petition of Suncook Valley Council, No. 18, Junior Order United American Mechanics, of Loudon, N. H., praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. TILLMAN. I present a concurrent resolution adopted by the Legislature of South Carolina, which I ask may be printed in the RECORD and referred to the Committee on the Library.

There being no objection, the concurrent resolution was referred to the Committee on the Library and ordered to be printed in the RECORD, as follows:

Concurrent resolution.

Whereas bills are now pending in both Houses of our National Congress, looking to the erection of monuments at the National Capital in commemoration of the signers of the Declaration of Independence and of the heroes of the American Revolution; and

Whereas South Carolina, by eminent representatives, took an active part in the adoption of the Declaration of Independence; and

Whereas more than a hundred battles were fought upon her soil in the historic struggle to establish the same, her people would have a share and interest in both of said monuments: Therefore be it

Resolved by the house of representatives (the senate concurring): First. That this general assembly indorse and approve the proposed bills to erect a monument to the signers of the Declaration of Independence and a monument to the heroes of the American Revolution at the National Capital and express the hope that the Representatives from this State in both Houses of Congress will support said proposition.

Second. That copies of this resolution signed by the clerks of the house and senate be mailed by them to the United States Senators and Members of the House of Representatives from this State in Congress.

IN THE HOUSE, COLUMBIA, S. C., FEBRUARY 2, 1912.

The house agrees to the resolution, and orders that it be sent to the senate for concurrence.

By order of the house.

JAS. A. HOYT,  
Clerk of the House.

IN THE SENATE, COLUMBIA, S. C., FEBRUARY 2, 1912.

The senate agrees to the resolution, and orders that it be returned to the house with concurrence.

By order of the senate.

M. M. MANN,  
Clerk of the Senate.

Mr. TILLMAN presented a petition of the Woman's Christian Temperance Union of Scranton, S. C., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. SMOOT presented petitions of sundry citizens of Ferron, Utah, praying for the passage of the so-called old-age pension bill, which were referred to the Committee on Pensions.

Mr. CURTIS presented a petition of sundry citizens of Glen Elder, Kans., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Scranton, Kans., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. PAGE presented a petition of the congregation of the Baptist Church of Lincoln, Vt., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. BRADLEY presented a memorial of sundry citizens of Monticello, Ky., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. CRANE presented a memorial of the executive committee of the Anti-Imperialist League, remonstrating against any appropriation being made for the construction of new battleships, which was referred to the Committee on Naval Affairs.

REPORTS OF COMMITTEES.

Mr. CLARK of Wyoming, from the Committee on Public Lands, to which was referred the bill (S. 5198) to authorize the issuance of patent to James W. Chrisman for the southeast quarter of the northwest quarter, the southeast quarter, and the southeast quarter of the southwest quarter of section 13, and the north half of the northeast quarter of section 24, township 29 north, range 113 west of the sixth principal meridian, reported it without amendment and submitted a report (No. 466) thereon.

Mr. CURTIS, from the Committee on the District of Columbia, to which was referred the bill (H. R. 8768) to regulate the business of loaning money on security of any kind by persons, firms, and corporations other than national banks, licensed bankers, trust companies, savings banks, building and loan associations, and real estate brokers in the District of Columbia, reported it with amendments and submitted a report (No. 467) thereon.

Mr. BRYAN, from the Committee on Naval Affairs, to which was referred the bill (S. 3088) to transfer Capt. Frank E. Evans from the retired to the active list of the Marine Corps, reported adversely thereon, and the bill was postponed indefinitely.

Mr. CLARKE of Arkansas, from the Committee on Military Affairs, to which was referred the bill (H. R. 17029) authorizing the Secretary of War to convert the regimental Army post at Fort Oglethorpe into a brigade post, reported it without amendment and submitted a report (No. 468) thereon.

Mr. GALLINGER, from the Committee on the District of Columbia, to which was referred the bill (S. 2504) to provide for the extension of New Hampshire Avenue, in the District of Columbia, on a straight line, and for other purposes, reported it with an amendment and submitted a report (No. 469) thereon.

He also, from the same committee, to which was referred the bill (S. 2505) to provide for the extension of New Hampshire Avenue, in the District of Columbia, and for other purposes, submitted an adverse report (No. 470) thereon, which was agreed to, and the bill was postponed indefinitely.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. KERN:

A bill (S. 5737) granting an increase of pension to David F. Stewart (with accompanying papers); to the Committee on Pensions.

By Mr. CHILTON:

A bill (S. 5738) further to protect commerce against restraint and monopoly; to the Committee on Interstate Commerce.

By Mr. SIMMONS:

A bill (S. 5739) for the relief of heirs or estate of Joseph D. Hayes, deceased (with accompanying paper); to the Committee on Claims.

A bill (S. 5740) granting a pension to Louisa D. Stewart;

A bill (S. 5741) granting a pension to Frank C. Freeman;

A bill (S. 5742) granting an increase of pension to Petrona B. Freeman;

A bill (S. 5743) granting an increase of pension to J. N. Brown;

A bill (S. 5744) granting a pension to Martha A. E. Fox (with accompanying paper);

A bill (S. 5745) granting a pension to Clarence K. Pool (with accompanying paper); and

A bill (S. 5746) granting a pension to Charles G. Bryant (with accompanying paper); to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 5747) granting an increase of pension to Collins Blake (with accompanying paper); to the Committee on Pensions.

By Mr. WARREN (by request):

A bill (S. 5748) granting a franchise for the construction, maintenance, and operation of a street railway system in the district of South Hilo, county of Hawaii, Territory of Hawaii; to the Committee on Pacific Islands and Porto Rico.

By Mr. OLIVER:

A bill (S. 5749) authorizing and directing the Secretary of War to make certain provisions for the care of the participants in the celebration of the fiftieth anniversary of the Battle of Gettysburg, at Gettysburg, Pa., on the 1st, 2d, 3d, and 4th days of July, 1913, and making appropriation of a sum sufficient to carry out the provisions of this bill; to the Joint Committee on the Fiftieth Anniversary of the Battle of Gettysburg.

By Mr. BRANDEGEE:

(By request.) A bill (S. 5750) to reimburse the National Savings & Trust Co., of Washington, D. C., for payment of certain Government warrants; to the Committee on Claims.

A bill (S. 5751) granting an increase of pension to Minnie Wadsworth Wood; to the Committee on Pensions.

By Mr. GALLINGER:

A bill (S. 5752) granting an increase of pension to Nelson L. Porter (with accompanying papers); to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 5753) granting an increase of pension to Rudolph Alff (with accompanying papers); to the Committee on Pensions.



By Mr. JOHNSON of Maine:

A bill (S. 5754) granting a pension to Walter W. Dow; and  
A bill (S. 5755) granting a pension to Arthur H. King; to the Committee on Pensions.

By Mr. BOURNE:

A bill (S. 5756) for the relief of W. R. Wells, administrator of the estate of James S. Wells, deceased; to the Committee on Claims.

By Mr. NELSON:

A bill (S. 5757) to abolish the penalty of imprisonment for desertion of seamen from vessels of the United States; to the Committee on Commerce.

#### OMNIBUS CLAIMS BILL.

Mr. PERKINS submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1882, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which was referred to the Committee on Claims and ordered to be printed.

#### FIFTIETH ANNIVERSARY OF THE BATTLE OF GETTYSBURG.

Mr. OLIVER. I submit a concurrent resolution, and ask unanimous consent for its present consideration.

The concurrent resolution (S. Con. Res. 19) was read, considered by unanimous consent, and agreed to, as follows:

IN THE SENATE OF THE UNITED STATES,  
March 9, 1912.

Whereas the General Assembly of the Commonwealth of Pennsylvania did on the 13th day of May, 1909, enact as follows:

"An act creating a commission to be known as the Fiftieth Anniversary of the Battle of Gettysburg Commission; authorizing the governor to appoint nine members thereof and fill vacancies that may occur therein; the commission to consider and arrange for the observance of the fiftieth anniversary of the Battle of Gettysburg; to invite the cooperation of the Congress of the United States and of other States, and to report to next session of general assembly, and making appropriation for the payment of expenses of said commission."

"SECTION 1. Be it enacted, etc., That within 30 days after the passage of this act the governor of the Commonwealth shall appoint nine citizens of Pennsylvania, who, when appointed, shall constitute a commission to be known as the Fiftieth Anniversary of the Battle of Gettysburg Commission, whose duty shall be to consider and arrange for a proper and fitting recognition and observance, at Gettysburg, of the fiftieth anniversary of the Battle of Gettysburg; with authority to invite the cooperation of the Congress of the United States and of other States and Commonwealths; the commission to make report of its action, with recommendations, to the next session of the General Assembly of Pennsylvania. The governor shall make appointments to fill any vacancies that may occur in said commission. The members of the said commission shall serve without compensation, other than their actual and necessary expenses."

"SEC. 2. For the purpose of carrying out the provisions of this act, the sum of \$5,000, or so much thereof as may be necessary, is hereby specifically appropriated; said appropriation to be paid by warrants of the auditor general drawn upon the State treasurer, upon specifically itemized vouchers duly approved by the proper officers of said commission."

And whereas the Congress of the United States did on June 10, 1910, adopt the following concurrent resolution:

"Whereas the State of Pennsylvania has, by appropriate legislation, constituted a commission known as the 'Fiftieth Anniversary of the Battle of Gettysburg Commission,' to consider and arrange for a proper and fitting recognition and observance at Gettysburg of the fiftieth anniversary of the Battle of Gettysburg, with authority to invite the cooperation of the Congress of the United States and of other States and Commonwealths, and the said commission has extended an invitation to Congress and requested its cooperation in the matter: Therefore be it

*Resolved by the House of Representatives (the Senate concurring),* That the President of the Senate and the Speaker of the House of Representatives be, and they are hereby, authorized and directed to appoint a committee to consist of three Senators and three Representatives to confer with the fiftieth anniversary of the battle of Gettysburg commission and report as soon as may be, the recommendations of said committee as to the proper action to be taken by Congress to enable the United States fittingly to join in the celebration of the fiftieth anniversary of the battle of Gettysburg; and the necessary expenses of said committee shall be paid one-half out of the contingent fund of the Senate and one-half out of the contingent fund of the House."

The following committee was appointed by the respective presiding officers:

Senate: Hon. GEORGE T. OLIVER, Hon. WELDON B. HEYBURN, Hon. ISIDOR RAYNER.

House: Hon. James A. Tawney, Hon. DANIEL F. LAFEAN, Hon. JOHN LAMB.

The Hon. GEORGE T. OLIVER has been selected as the chairman of the committee;

And whereas the above-named Hon. ISIDOR RAYNER has resigned and the Hon. CLAUDE A. SWANSON, a Senator from the State of Virginia, was appointed in his stead and is now a member of said congressional commission;

And whereas the General Assembly of the Commonwealth of Pennsylvania did on the 14th day of June, 1911, enact as follows:

"An act making an appropriation to the Fiftieth Anniversary of the Battle of Gettysburg Commission to enable the commission to further carry out the provisions of the act of assembly approved May 13, A. D. 1909, creating said commission and defining the duty thereof."

Whereas the act of assembly approved May 13, A. D. 1909, P. L. 1909, page 777, created a commission—

"To be known as the Fiftieth Anniversary of the Battle of Gettysburg Commission, whose duty shall be to consider and arrange for a proper and fitting observance, at Gettysburg, of the fiftieth anniversary of the Battle of Gettysburg; with authority to invite the cooperation of the Congress of the United States and of the other States and Commonwealths; the commission to make report of its action, with recom-

mendations, to the next session of the General Assembly of Pennsylvania," and made a preliminary appropriation for the purpose of carrying out the provisions of said act; and

Whereas the commission has duly presented to his excellency, the governor of the Commonwealth, for transmittal to the present session of the General Assembly of Pennsylvania, such report of its action, with recommendations and plans, as far as it has been possible at this early date to adopt plans: Now therefore

SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, that to enable the commission to further carry out the provisions of the above-recited act in accordance with the said report, recommendations, and plans of the commission, the sum of \$50,000, or so much thereof as may be necessary, is hereby specifically appropriated; said appropriation to be paid by warrants of the auditor general drawn upon the State treasurer, upon specifically itemized vouchers duly approved by the officers of said commission: *Provided*, That the total amount to be expended by the Commonwealth of Pennsylvania in connection with this celebration shall not exceed \$250,000;

And whereas at a meeting of the State and national commissioners held at Washington on January 12, 1912, it was agreed to recommend to Congress that the necessary steps should be taken for the participation of the General Government to cooperate with the State of Pennsylvania in such commemoration on the 1st, 2d, 3d, and 4th days of July, 1913: Therefore be it

*Resolved by the Senate (the House of Representatives concurring),* That preliminary to such legislation by Congress as may be necessary to enable the Government of the United States to be properly represented on such occasion the Secretary of War be, and he is hereby, authorized and directed to confer with the Fiftieth Anniversary of the Battle of Gettysburg Commission of the State of Pennsylvania, and.

First. To cause to be made such surveys, measurements, and estimates as will be necessary in regard to providing for a sufficient supply of good water for the use of those who shall attend the celebration.

Second. To investigate as to the necessary and proper provision required to be made for sewerage, sanitation, hospital, and policing during such celebration.

Third. To estimate upon the tents, camp equipment, supplies, and rations that, in his judgment, will be necessary to properly accommodate and provide for those who shall attend such commemoration, and to estimate what provision will be necessary to be made for local transportation and care of those who may or probably will participate in such celebration, and to give an estimate of the cost, separately stated, of the several provisions necessary to be made.

Fourth. To estimate the quantity of camp equipment, such as tents, bedding, and cooking outfits, necessary to accommodate the people attending, together with the cost per unit of a suitable ration to be issued and as to the best method of providing and issuing such rations.

Fifth. To prepare a plan of camp arrangement suitable to the occasion.

Sixth. To report to Congress upon all of these matters within 30 days after the passage of this resolution.

#### USE OF AUTOMOBILES IN NATIONAL PARKS.

Mr. WARREN submitted the following resolution (S. Res. 246), which was read, considered by unanimous consent, and agreed to:

*Resolved*, That the Secretary of the Interior be, and he is hereby, directed to submit to the Senate, as early as practicable, a statement giving the names of the national parks under the control of the Department of the Interior, if any, in which automobiles or other motor cars are permitted to be used, and the rules and regulations governing such use; also such plans, if any, as may have been or are under consideration by the Department of the Interior for permitting the use of automobiles or motor cars in the Yellowstone National Park; and the estimates of cost, if any have been made, which would be entailed by the possible construction of new roads or changes in the use of present roads should automobiles be admitted to said park.

#### AMERICAN NATIONAL RED CROSS.

Mr. DU PONT. I move that the Senate proceed to the consideration of the motion entered yesterday by me to reconsider the vote by which the Senate passed the bill (S. 4238) to provide for the use of the American National Red Cross in aid of the land and naval forces in time of actual or threatened war.

The motion was agreed to.

Mr. DU PONT. I move that the bill be postponed indefinitely.

The motion was agreed to.

#### COURTS IN MISSISSIPPI AND MICHIGAN.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 19238) to amend section 90 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

Mr. CLARK of Wyoming. I move that the Senate insist upon its amendments to the House bill and request a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed as conferees on the part of the Senate Mr. CLARK of Wyoming, Mr. NELSON, and Mr. BACON.

#### HOUSE BILL REFERRED.

H. R. 21230. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war was read twice by its title and referred to the Committee on Pensions.



## PUBLIC UTILITIES COMMISSION.

Mr. GALLINGER. I move that the bill (S. 3812) to regulate public utilities in the District of Columbia and to confer upon the Commissioners of the District of Columbia the duties and powers of a public utilities commission be recommitted to the Committee on the District of Columbia.

The motion was agreed to.

## AMENDMENT TO PRINTING LAWS.

Mr. SMOOT. I desire to give notice that on Tuesday, March 12, following the routine morning business, I shall address the Senate on the bill (S. 4239) to amend, revise, and codify the laws relating to the public printing and binding and the distribution of Government publications.

## PENSION BILLS.

Mr. McCUMBER. Mr. President, I move that the Senate proceed to the consideration of the bill (S. 4314) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The VICE PRESIDENT. The pending question is on the amendment offered by the Senator from Georgia [Mr. SMITH], which will be stated.

The SECRETARY. On page 21, lines 24 and 25, and lines 1 and 2 on page 22, strike out the item relative to Frank A. Wardwell.

Mr. McCUMBER. Mr. President, in the consideration of previous pension bills, especially those of a general character, there have gone into the Record so many inaccurate statements that I felt called upon, believing that it would be to our advantage, to secure from the Commissioner of Pensions several sets of figures covering different aspects of the pension question, with the end in view that when we came to the consideration of the general pension bill we might have before us all, or practically all, of the information in as accurate a form as it is possible to get it for use in the discussion of that bill. Therefore we had prepared what is known as the Military and Naval Pensions of the United States, which was compiled for the use of the Senate Committee on Pensions, and we had it printed as a public document so that each Senator might have access to it. I can now fully understand how essential it was that we should have some data upon which we could rely in the examination of House bill No. 1 when it came before the committee. We found very many inaccuracies from our standpoint and therefore thought it best to get these figures before the Senate so that they might be used in the discussion, not only of that particular bill, but also in the discussion of any other measure relating to pensions.

To show how necessary was this precaution I have but to call attention to a statement made by the Senator from Georgia [Mr. SMITH] in his discussion yesterday, in which he quoted from a letter of a private soldier in a certain company certain information, which the Senator from Georgia undoubtedly relied upon or else he surely would not have stated it to the Senate; but it is so inaccurate that I am certain, when the Senator's attention is called to it, he himself will be glad to have the correction made.

I call attention to the following statement of the Senator from Georgia in yesterday's Record:

I have here a table of figures prepared by Mr. Henry S. Wells, private, Company K, Twenty-seventh New York. It discloses the fact that we have on the pension roll 121,181 men who were in the service only 90 days.

I did not in every instance have an opportunity clearly to understand all of the statements made by the Senator yesterday, or I should undoubtedly have called his attention to this inaccurate statement at the time. If the Senator will turn to page 9 of this record of "Military and Naval Pensions of the United States"—

Mr. SMITH of Georgia. I have not a copy of it.

Mr. McCUMBER. I will try to see that the Senator is furnished a copy—he will find the number of soldiers given who served 1 month, 2 months, 3 months, and every number of months up to 72, and he will find that of those who served less than 4 months, which would include those who served 3 months and those who served less than 4 months, there were 9,924 men, as against his estimate of 121,181. As the figures which are the basis of his calculation bear the relation to the actual figures of 9 to 121, the Senator can easily see that his calculations, based upon the erroneous figures, must be very wide of the truth. I call his attention to this and to the fact that we have the official record, which will assist him, undoubtedly, in the discussion of this case if he wants any data about service or age or anything of that kind.

It is probably due also that I should at this time, before the Senator from Georgia proceeds with the discussion, call attention to another statement made by the Senator in dealing with the case of Mr. Wardwell. The Senator said that Mr. Wardwell never fought in any battle at all. I am not certain whether he did or not, and I might be doing him an injustice if I admitted that he did not. I simply know that—

Mr. SMITH of Georgia. Let me correct the Senator to this extent—

Mr. McCUMBER. Just a moment; let me finish the sentence—I simply know that, according to the record which I have, he served upon certain vessels, and that one of those vessels was engaged in the bombardment of Fort Fisher; but whether he was on that particular vessel at the time of that bombardment I can not say. I only say that I do not know whether he was in any engagement at all, and I do not think the Senator from Georgia would say definitely that he was or that he was not. I now yield to the Senator from Georgia.

Mr. SMITH of Georgia. I did not undertake to say that he had never been in a battle or that the vessel had never been in one. I did not mean definitely to state that he had not been, but I definitely stated that no proof had been submitted to show that he had been in a battle, and that from his very late enlistment and the condition of the war it seemed to be probable that he had not been.

Mr. McCUMBER. I think the Senator, in looking over the Record, will find in one place at least that he made the statement directly; but it was only as a matter of argument, and I fully understood the position of the Senator, that from his standpoint we should have positive evidence that the soldier did engage in battle before allowing him a pension.

Mr. SMITH of Georgia. That was my position.

Mr. McCUMBER. I did not at all wish to convey the idea that I supposed the Senator from Georgia was attempting to show positively that this applicant was not engaged in any battle.

Again, the Senator stated that this claimant does not earn his living by manual labor; that he is the editor of a paper; that therefore as editor of the paper, as anyone would understand, he did not earn a living by manual labor, and it was not necessary that he should perform any manual labor. The Senator, of course, makes the statement in order to meet and counteract whatever force there may have been in the report that the claimant was unable to perform manual labor. I stated, Mr. President, to the Senator the vocation of this particular claimant, that he was running a little country paper, and the Senator probably knows—I do not know whether it is the same in his State as it is in mine—that in the case of these little country papers you will find the editor setting the type; that in a great many instances he does not have enough business even to justify more than one typesetter. I do not know whether the Senator would call that manual labor or not; certainly it does not require a great deal of physical strength, but it does require eyesight, and as this claimant is almost blind, absolutely too blind to pick up type and set it, so far as this particular case is concerned his affliction is such that it prevents him from performing the duties necessary for carrying on his own business and conducting it profitably.

Mr. President, I simply called attention to the figures concerning the 90-day men that were given by the Senator to show how unsafe it is to rely upon estimates made by anyone other than some official in the Bureau of Pensions as a basis for making a calculation.

Mr. SMITH of Georgia. In quoting the figures that I did, I stated the authority upon which they were made. I did not pretend to have worked them out for myself. I have not been able to give that amount of detail time to the consideration of this question that would have enabled me to do so, and I have now for the first time this report from the Interior Department. I will take pains later on to examine the figures of this soldier, and see whether his comparisons of the pension paid to actual soldiers and to soldiers who rendered no actual services are correct.

With reference to the suggestion just made by the Senator from North Dakota as to what this particular pensioner should make from his newspaper, I would say that the owner or one of the joint owners of such a paper, a paper of 900 circulation, charging \$2 per paper for circulation. The income from such a paper would give a fairly comfortable support of a thousand dollars a year to each of the parties.

We have no evidence in this case which goes into details. We have not an affidavit from anybody as to the physical condition of this gentleman who is to receive a special pension. We have a certificate from a doctor in general terms that the applicant is not able to do manual labor, but he does not say



that he is not able to do work on his paper. There is nothing submitted to the Senate that could be regarded as evidence at all—

Mr. McCUMBER. Mr. President—

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from North Dakota?

Mr. SMITH of Georgia. Certainly.

Mr. McCUMBER. If the Senator from Georgia should come before me or before the committee of which I am chairman and state to those drafting the report that he is personally acquainted with Mr. Wardwell, or whoever the claimant might be; that he had known him for a great many years; that he had seen him only a short time ago and knew his physical and financial condition, and would give it to me, I would take his word absolutely upon that; and I am certain he would accept the word of any other Senator upon such a matter, although it was not placed in writing.

I will say that was the case in this particular case.

Mr. SMITH of Georgia. I certainly would accept the word of the Senator from North Dakota on any statement he would make to me and be absolutely sure that what he stated he believed to be correct. But I do not see how I could tell myself just what some friend of mine running a paper in Georgia was making unless I examined his books. I do not see how I could tell how prosperous he was. I would be compelled simply to take that which somebody told me. Here is a case where parties are seeking to take money out of the Treasury. It is the money of all the people. That money does not get into the Treasury in some mythical way. That money comes out of the pockets of the American citizens. They must pay it into the Treasury before it is paid out. Before it is taken out of the Treasury and given to some individual, evidence, even though it is *ex parte*, evidence in the shape of an affidavit, ought to be produced from the petitioner for an increase of pension that he is making nothing, that he requires the money, and that he is not able to do the work of running his paper.

Mr. McCUMBER. Mr. President, I will state to the Senator that we always require an affidavit or affidavits or a statement made by some Senator or some person who absolutely does know the condition.

Mr. SMITH of Georgia. Far be it from me to express a word of criticism against the committee, and certainly not any with reference to the chairman of the committee, and I do not wish to be put in the attitude of entertaining a critical feeling, but I say that when a Senator comes to examine the evidence he naturally would expect to find something in the record that would sustain his vote. Now, I desire to have read an amendment which I propose to offer to this entire bill, as an addition to it.

The VICE PRESIDENT. The amendment will be read.

The SECRETARY. It is proposed to add at the end of the bill the following provisos:

*Provided, however,* That no one of the said special pensions contained in this bill shall be paid to anyone of the parties herein named until the Pension Bureau has made investigation and found the said party to whom the same is to be paid did not enter the service in consideration of a bounty or for a payment made to him to serve as a substitute; and

*Provided further,* That no one of the said pensions shall be paid until the examination has been made in the Pension Bureau and it has been found that said party has actually served in the Army or the Navy and was engaged in some battle in connection with said service.

Mr. SMITH of Georgia. At the time my remarks were suspended yesterday I had called the attention of the Senate to the fact that the report of the Commissioner of Pensions shows that the Government has already paid in pensions to the soldiers of the Civil War over \$4,000,000,000. The Senator from New Hampshire, who had served, as I understand, upon the Pensions Committee, expressed his surprise and interrupted to give me an opportunity to correct the statement. It is not to be wondered at that he was surprised. The amount is indeed startling, and yet here is the report of the Commissioner of Pensions, which shows that prior to the 1st of July last year our Government had paid to pensioners of the Civil War alone \$3,985,719,000. Since the 1st of last July—8 months—the additional payment has been about \$100,000,000. So that up to the present time the payment has been nearly \$4,100,000,000.

What I desire to urge as objection to these special pensions, and especially to this particular special pension, is that with this enormous sum paid out by our Government the distribution has not been carried out properly with respect to the men who did the fighting; that the men who actually stood in the ranks and served in battle have not received their fair proportion of this enormous sum of money.

There is not a dollar that has been paid, especially to the rank and file of the men who served and who carried from the battle injuries of service origin, that any American citizen begrudges for a moment. I refer to those who really rendered long service—the boys who volunteered in the early part of

the war and stood the fatigues and the dangers and the hardships. What I am urging is that the distribution has not been equitable and that the distribution is not now equitable. The sum has been immense, but it has been scattered too much away from the men who did the fighting to the men who did not do it.

The report of the Commissioner of Pensions shows that special pensions draw annually from the Treasury \$6,611,357, and that nearly half of the names on the special pension rolls were placed there by the last Congress. If we go back three or four Congresses, we find that a few hundred were placed on the special pension roll each year. Last year there were 9,600 in round numbers.

I wish to urge that instead of adding names by special pension bills at the rate of \$30 a month, we should determine what amount of money the Government can spare for pensions. Suppose we determine that \$150,000,000 a year can be spared for the soldiers of the Civil War. Then the course to pursue is to take up the question of distribution. Let the fight not be simply on the Treasury. Let the fight be one of distribution, and put the money where it properly should go, and give the money to the boys who did the fighting. If the income-tax law had been sustained and we had a system by which the Treasury could be more easily replenished, perhaps over \$150,000,000 a year could be given, but with all due regard to the other obligations of the Government I hardly think that more than that should be insisted upon.

Now, I believe we could take \$150,000,000 and almost double the pay of the boys who did the most fighting, if we trim a class who did not do any fighting or practically none, and a class that does not follow in the same line with the rank and the file.

Now, take the names on our rolls of those who are abroad; the names of people who are not citizens of the United States and who probably never were, who never went into the Army like the boys from Indiana and Ohio, because they thought they ought to, because they regarded it as a duty, but only went into it as soldiers of fortune. I do not mean to criticize them in any sense. They went in for what was in sight and went home thereafter. I do not think there would be any impropriety in striking that million dollars from the pension rolls and having that million dollars additional to give to the boys who belong to this country.

Take the list of those who went in for bounties; take the list of those who went in as substitutes; take the list of those who are in homes, being amply provided for by the Government in homes. Take the list of those who have ample means already themselves. If it were put to them that the Government had \$150,000,000 to distribute among the soldiers and that if they with their ample means did not take a part of it that much more would go to the other soldiers, they would not hesitate a moment to let it go, if this course were pursued of setting apart all the Treasury can stand for pensions.

Mr. BROWN. Mr. President—

The VICE PRESIDENT. Will the Senator from Georgia yield to the Senator from Nebraska?

Mr. SMITH of Georgia. Certainly.

Mr. BROWN. Does the Senator mean to advance the doctrine that in these pension matters the first thing to do is to inquire how much the country can spare to pay the pensions?

Mr. SMITH of Georgia. That is exactly what I was suggesting.

Mr. BROWN. If we on inquiry should find the country can spare nothing, the Senator would then be in favor of no pensions?

Mr. SMITH of Georgia. Not at all.

Mr. BROWN. I do not understand the position of the Senator.

Mr. SMITH of Georgia. Then I will try to make myself clear to the Senator. What I said was to take up the various obligations that were in front of us and adjust our distribution to the various responsibilities, determining according to our revenues what part we could justly distribute to each particular cause. I did not for a moment mean, I wish the Senator to understand, that the pensioners were to come last. I put them along with all the other responsibilities of the Government, that we should look at our income, look at our various responsibilities, and make a fair distribution budget.

Mr. BROWN. Mr. President—

The VICE PRESIDENT. Does the Senator from Georgia yield further?

Mr. SMITH of Georgia. Certainly.

Mr. BROWN. Then the Senator recognizes an obligation on the part of the country to pay what it can afford to pay to the old soldiers who deserve attention and care.



Mr. SMITH of Georgia. I certainly do.

Mr. BROWN. Then the Senator would measure the amount we give him, first, by our capacity to pay it, and, second, by how much we owe him individually?

Mr. SMITH of Georgia. I would not put it exactly that way. I do not regard it as an ordinary obligation. I regard it as a payment that could most properly be made and the propriety of which everybody recognizes.

Mr. BROWN. An obligation that we owe, whether we pay it or not, depends on whether or not it is a just obligation. Is not that true? If the obligation is just it ought to be paid, whether we have the money to pay it now or not. If it is unjust it ought not to be paid, no matter how little it is nor how well we could afford to pay it. Is not that true?

Mr. SMITH of Georgia. Yes; but there are different kinds of obligations. There is no fixed obligation in dollars and cents due to pensioners except as we recognize it by statute. I regard it as eminently proper that we should consider obligations to the soldier for his service to the country. It is not an obligation of the same character as a promise to pay a specific and definite sum.

Mr. McCUMBER. Mr. President—

The VICE PRESIDENT. The Senator from Georgia yields?

Mr. SMITH of Georgia. Oh, yes.

Mr. McCUMBER. Mr. President, what does the Senator consider as the basis of obligation on the part of the Government? Does he not consider that the obligation is one growing out of gratitude for a service performed?

Mr. SMITH of Georgia. Yes.

Mr. McCUMBER. The Senator will agree therefore that it is an obligation of honor and an obligation of gratitude. Would not the Senator measure that obligation in a way that would mean on the part of the Government that no man who served his country in those trying times; that no man who took a part in that great struggle for the preservation of his country; that no man who suffered hardships and the privations in that great struggle, should in his old age ever know the pangs of hunger or destitution? Would not the Senator therefore measure the quantity of money that should be expended to carry out that obligation by the requirements of the old soldiers in their later days, considering the disabilities of age and expend such an amount that none of them shall ever be forced into the poorhouse, or even into soldiers' homes, if they do not desire to go there?

Mr. SMITH of Georgia. The Senator's question involves several different propositions and is not easily answered in a few words. I will illustrate my view on the subject by reference to this particular case. A part of the question involves the privation and seriousness of the service of the old soldier. Take this case. There is no evidence of any privation at all. Here is an editor and owner of a paper in North Dakota, who was a sailor for awhile, who suffered no privation as an incident of the war, so far as this record shows. I regard the burden as resting upon the applicant for the increase of pension, and I am treating him as not entitled to any status favorable to himself than he shows. I do not mean to state it as a matter of fact, but in this case I have the right to presume that he has made the best case he can. Taking that position, he stands before the Senate with absolutely no privation that he ever had as an incident to service. He never was in a battle. He was just a sailor on a vessel. He did not fall in the class the Senator has described, so far as this record shows.

Mr. McCUMBER. Mr. President—

The VICE PRESIDENT. Does the Senator from Georgia yield further?

Mr. SMITH of Georgia. Yes.

Mr. McCUMBER. Would the Senator limit the granting of pensions to those cases where the disability from which the soldier is suffering was incurred in the line of service?

Mr. SMITH of Georgia. No, not entirely, but where a man really has not been at the front and has not been in battle, and has done nothing but occupy a nominal position as a soldier, I do not see that he is any more entitled to recognition as a soldier than if he had not been in the Army at all.

Mr. McCUMBER. The Senator of course understands that the law of June 27, 1890, and the law of February 6, 1907, grant pensions upon a service of 90 days or more, and while one is based upon age and the other on the service of 90 days only, neither of them recognizes service disability, but grants the pension alone because of the supposed disability at least of the claimant. Now, does the Senator consider that that is an unjust basis for the granting of pensions?

Mr. SMITH of Georgia. I am not compelled to go that far for the present discussion. I certainly think it goes too far when this bill proposes to take a man in that class and give him \$18 more a month than the general law gives.

Mr. McCUMBER. Without reference to the division, does the Senator think we are now paying excessive pensions on the whole?

Mr. SMITH of Georgia. I think we are paying perhaps not enough to some and more perhaps to some than they are entitled to.

Mr. McCUMBER. That does not quite answer the question, but possibly I am asking a question that is a little difficult to answer. I think the Senator probably could state in general terms whether he thinks \$152,000,000, or about that, which we are now appropriating to pay the ex-soldiers, is more than we ought to appropriate.

Mr. SMITH of Georgia. Well, I do not say that. I have not opposed the Government paying them that much. I want to say to the Senator that what I have in my mind, lacking, perhaps, the details of the information I ought to have, is that a distribution should follow more the length of actual service on the battle field than is done.

Mr. McCUMBER. Mr. President, I should like to ask the Senator another question right in connection with that, because it will elucidate his idea as well as give us general information on his views. I am asking these questions from the Senator rather, perhaps, than from anyone else because he at one time occupied the position of Commissioner of Pensions.

Mr. SMITH of Georgia. No; Secretary of the Interior.

Mr. McCUMBER. I mean he was Secretary of the Interior, under whom the Commissioner of Pensions serves. Is it the Senator's idea that we should grade our pensions according to the length of service of the soldier?

Mr. SMITH of Georgia. I do not know that it can be entirely done in that way. I will say to you very frankly that this letter from which I read is addressed to you, and I suppose you have seen it. It is a letter published in the Quincy Journal, of Illinois, by a soldier, from which I read yesterday.

Mr. McCUMBER. My attention has never been called to such a letter.

Mr. SMITH of Georgia. It is addressed to Hon. P. J. McCUMBER, chairman of the Senate Committee on Pensions, and so forth.

Mr. McCUMBER. I have never seen the letter. He evidently addressed it to me and then published it without sending it.

Mr. SMITH of Georgia. From this letter and from a number of letters that I have received from men who have given years of active service, men who seem to have been in the midst of the fight in Virginia and elsewhere from the very first to the last of the war—

Mr. McCUMBER. I know that the Senator has given this matter a great deal of consideration, and I know that he experiences, like all of us do, the inability for us to arrive at any standard that will work with exact justice.

Mr. SMITH of Georgia. I realize that.

Mr. McCUMBER. And that is the reason why I introduced a double standard in the amendment, at least, of the bills which we have now before us. The Senator is aware that other things being equal, of course, the man who served his country the greater number of months is entitled to greater gratitude and consideration than one who served a much less number of months. On the other hand, the Senator knows, as we all do, that the real butcher work in the Civil War was during the last year, when the country demanded "On to Richmond," and when the fresh troops were rushed into the hardships of the battles of the Wilderness, many of them taking part in those battles before they had been even 30 days in the service. Taking all those matters into consideration, I think the Senator will agree with me how difficult it is to accept any standard and say that we shall measure the amount of pensions by the number of months that were served and make that a sole standard.

Mr. SMITH of Georgia. I do not question the fact that the men who work on these pension bills have tried to make them with the purpose of meting out justice, but as they stand to-day, if the figures furnished by this ex-soldier are in any sense approximately correct, it does seem that the very short-time man, who barely got into the struggle and perhaps never got out into a battle at all, who never suffered from a hardship at all, is in many instances receiving practically the same treatment as the soldier who stood the fight from the first.

Now, take the boys who went down to Cuba. I would rather talk about them, because there are as many of them my constituents in proportion to the population of the State as from any other State. I think the idea of classing those boys with the old soldier who went in the first of the war and fought the four years through would be utterly unreasonable. I do not mean to say that you are doing it, although I was shocked at the amount that has already been paid for pensions on account of the Spanish War.



Mr. McCUMBER. And the Senator understands that those soldiers who were called upon to fight the bolo men of the Philippine Islands are receiving far greater compensation for injuries suffered by them than the soldiers of the Civil War, who fought white men armed with guns and fought them hard, received after the close of the Civil War.

Mr. SMITH of Georgia. I want to say to the chairman of the committee that it will give me a great deal of pleasure to cooperate with him, as then I would be free from any embarrassment in checking the Spanish-American War pensions. I have declined to introduce special pension bills for quite a number of my friends, who thought they ought to get special pensions for the Spanish-American War, and it is not because I do not believe in showing gratitude. I just believe that there is a place where somebody ought to stand and look a little after the interests of all the people who have to contribute the money to the Treasury; and when they are my own friends I am not at all embarrassed in standing up against it.

Mr. McCUMBER. I make my statement not with any desire to check those who served their country in any war—

Mr. SMITH of Georgia. I know that.

Mr. McCUMBER. From receiving just compensation for their services, if any of them were injured, but like the Senator from Georgia, I would make a mighty big distinction between those soldiers and the soldiers who fought the Civil War.

Mr. SMITH of Georgia. Of course, if they were actually injured in the Spanish-American War, having actually received an injury, they would stand just exactly on as good a footing as a man injured anywhere else.

Mr. SHIVELY. They do now, do they not, under the law?

Mr. SMITH of Georgia. Yes; if they were injured.

Mr. SHIVELY. If actually injured, through wounds or disease, they receive precisely the same pension that the survivors of the Civil War receive for like injuries.

Mr. SMITH of Georgia. I do not know. I was just surprised to see that the figures already run up to over \$30,000,000.

Mr. McCUMBER. The Senator understands, does he not, that the soldier who was injured in the War with Spain or in the Philippines receives as much now as the soldier receives at the present time who was wounded or injured in the Civil War, and it amounts to from 4 to 10 times as much as he received a few years after the Civil War?

Mr. SMITH of Georgia. I know that immediately after the Civil War there was quite an indisposition on the part of a great many soldiers to receive any pensions at all, and there was, perhaps, no condition of the Treasury to put the country in a condition to encourage them in receiving what naturally the Government would have been glad to have paid.

Mr. McCUMBER. I think the Senator is right in both cases. There was the indisposition on the part of the soldier because he was still a young man then and able to earn a livelihood. Therefore he did not call for a pension until his waning strength required him to do so. And on the part of the Government that it was absolutely unable to pay very much in the first instance, and as it has increased in wealth and prosperity, it has attempted to fulfill its obligations.

Mr. SMITH of Georgia. I do not think anyone could say, as a whole, that the Government had lacked in its obligation when we think of over \$4,000,000,000 paid. I myself am just impressed with the idea, although I have not here the details to go into it, that some of the men who were on the battle field so long have not received their full proportion of the \$4,000,000,000.

Now, I wish to take up a little further this particular pension that I have moved to strike out and to test it by the rule that the Senator himself submits.

First. The beneficiary must exhaust all rights under the general pension laws through the regular channels of the Pension Bureau before the committee will take up a bill for his relief.

Well, the editor or newspaper man in North Dakota is receiving all that the general laws give him.

Second. In each case evidence must be filed with the bill or in the Pension Office, showing that the amount allowed under the general pension laws is not sufficient to give the beneficiary the ordinary necessities of life, and that the beneficiary has no other source of income or property which would allow him to secure those necessities independent of pension.

Now, I submit that there is no evidence in this case at all to meet that requirement.

There is no evidence as to how much this good man's paper pays him; there is no evidence as to how much he and his partner make out of it. In the ordinary course of affairs, I should say that they ought to make a couple of thousand dollars a year out of it. Certainly a paper of that size, conducted by them with, I may say, I believe the newspaper record gives it, 900 circulation, at \$2 from each subscriber, that would be \$1,800 outside of advertising. Then the advertising in a paper

of that sort, judging by similar agricultural counties, would be nearly as much more. The work is principally done, as the Senator says, by the men themselves, and so there ought to be at least a couple of thousand dollars profit a year out of the paper.

Mr. McCUMBER. I have no doubt, Mr. President, that Mr. Wardwell would very much rather have the calculation made by the Senator than to have the bare facts as they appear on his book.

Mr. SMITH of Georgia. But, Mr. President, we have not heard of any evidence on that subject; there is not any statement even by the applicant for increase of pension to sustain the Senator. We do not know all that was in the letter written by the editor and publisher. Part of the letter the Senator said was personal, and I did not press to have it read, although it had been filed with the Senate. We have not any affidavit from the claimant; we have not any proof; we have not any evidence. The rules the committee adopted declare that there must be evidence, and we have not a syllable of evidence to show any basis for any increase of pension to this, no doubt, admirable gentleman.

I would not object, perhaps, to a bill which provided for a pension to all editors who were getting old and needed a little more money; it would be very popular with the editors; but in this instance we have not the evidence that this editor needs it; we have not the evidence that he has not a comfortable support without it. The case does not measure up to the second requirement of the rules which the Senator furnishes us as the rules governing his committee.

Now, let us take the third rule:

Third. In each case medical evidence must be submitted, showing that the beneficiary is so disabled, from causes other than vicious habits, as to preclude the possibility of his earning a support by manual labor.

We have not any medical evidence at all. We have a statement by a physician, but that is not evidence. Surely to constitute evidence it should come in the shape of an affidavit. This statement does not go into details; it does not cover the case. Again:

#### IN THE CASE OF SOLDIERS.

In cases where the foregoing requirements have been complied with, and it has been shown that the soldier had a reasonably long and faithful service—

Now it is proposed to give him \$30 a month.

Mr. McCUMBER. Mr. President—

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from North Dakota?

Mr. SMITH of Georgia. Certainly.

Mr. McCUMBER. I do not like to interrupt the Senator, if he does not wish to be interrupted—

Mr. SMITH of Georgia. I do not object at all.

Mr. McCUMBER. But upon this case, where the Senator makes a statement that is not borne out by the facts in the case, I think he would desire that I call his attention to it.

Mr. SMITH of Georgia. I would be very glad to have the Senator correct it.

Mr. McCUMBER. The Senator has perhaps forgotten the statement that I made yesterday that in all these cases we first send to the Bureau of Pensions. We then receive from the Bureau of Pensions all the testimony that has been introduced in the form of affidavits, doctors' certificates, examining surgeons' statements, and so forth, in the applications for the pensions before the bureau. Therefore, when we had this case before us, we had the evidence just of the kind that the Senator is speaking of and which has been sent back to the Bureau of Pensions. I simply make this statement so as to assure the Senator that we have not abandoned that rule in this case.

Mr. SMITH of Georgia. But, Mr. President—

Mr. McCUMBER. If the Senator from Georgia or any other Senator should call for the papers again that are now down in the Pension Bureau he would find considerable evidence from doctors, and so forth, as to the applicants' special ailments, their causes, and so forth, and those were considered in connection with the certificate of the doctor. The certificate which we had up to date was never filed in the Pension Bureau, but other certificates and evidence of physical condition have been filed, and those were all taken into consideration with this certificate. So the Senator will see that this is not the only evidence as to physical condition.

Mr. SMITH of Georgia. I understand the Senator, but yet I have not the records of the bureau. They were not left here; they must have been taken quite a while ago, at the time this pension was granted. We have a statement here showing when that was. Under the act of February 6, 1907, the pensioner draws his \$12 per month; but it was found necessary to supplement it, or it is supplemented by this bill, with a naked statement, and so far as the case specially before the committee was



concerned nothing was produced but the naked statement of the physician—nothing in the shape of an affidavit from this pensioner showing his necessities or what amount of money he was making.

Now I come to the fourth clause:

In cases where the foregoing requirements have been complied with, and it has been shown that the soldier had a reasonably long and faithful service—

In this case no "long and faithful service" was shown; in this case the pensioner was a sailor on board a vessel, and, so far as the record goes, never was in a battle, never in the war, but was only an ordinary sailor for three months before the war was over. Neither one of the vessels on which he served was in the second battle at Fort Fisher when the fort was captured, at least so far as the records that I can find are concerned. I looked over a list of the vessels that were in that battle, and neither one of the vessels on which he served participated in it. One or two of the vessels to which he was attached were in the first battle of Fort Fisher, in the early part of December, I think, but not the first vessel that he was on, so that he could hardly have been there.

Mr. McCUMBER. If the Senator will permit me, the *Tuscarora* was in the second engagement, was it not?

Mr. SMITH of Georgia. It is not contained in the list I examined this morning.

Mr. McCUMBER. I had the list and left it in my office, but I think the *Tuscarora* was in that engagement. I am not certain myself as to that, but Mr. Wardwell served on one of the vessels.

Mr. SMITH of Georgia. The *Tuscarora* was in the first battle of Fort Fisher. I find it so recorded, but I do not find that it was in the last or second battle. I find, also, that another one of the vessels on which he served was in the first battle at Fort Fisher—the *Mohican*.

I had intended to put into the RECORD the tabulated statement of figures about the disbursement of pensions prepared by Mr. Wells, but under the suggestion of the Senator from North Dakota that it is inaccurate I do not want to put it in until I get some one to take the reports of the Pension Commissioners, go over the figures, and have them in some way verified, because I would not wish to put such startling figures into the RECORD if the Senator is confident that they are entirely erroneous. I understand, though, that the Senator—

Mr. McCUMBER. Of course I have not examined the statement of Mr. Wells. I simply took the figures cited by the Senator on yesterday, and which he took from the statement to which he refers, either reading it or else giving his conclusions, and I simply know that that is woefully wrong.

Mr. SMITH of Georgia. I read from the figures themselves, and if those figures are woefully inaccurate I would not wish to put the calculation in the RECORD. I have no doubt that the soldier undertook to work them out correctly, but if he has not worked them out correctly I do not want to put them in the RECORD, because I would not wish to furnish any tabulated statement of figures that would make the distribution worse than it really is. I do not wish in any sense to indicate that it is worse than it really is. I simply insist that this particular pensioner's case does not present one which justifies taking him out of the class of soldiers to which he belongs; that it does not fall within the rules laid down by the committee; and therefore I insist upon my motion to strike out.

Mr. CURTIS. Mr. President, I had not intended to make any remarks on the pending special pension bill, and would not have done so had not the distinguished Senator from Georgia [Mr. SMITH] referred to the fact that he had had experience as Secretary of the Interior and, therefore, had had some fixed ideas in reference to pension legislation, and for the further fact that he referred to a plan which he thought should be followed.

It happened to be my fortune, good or bad, to be a Member of the House of Representatives when the distinguished Senator from Georgia [Mr. SMITH] was Secretary of the Interior. I represented in part a great soldier State, and it was my pleasure to aid and assist the soldiers in the district I then had the honor to represent whenever they wrote me. Being at that time a member of only one committee of the House, because my party was then in the minority, I had a great deal of time, and went to the Pension Office nearly every day, except holidays and Sundays, and examined the cases of my constituents. Being perfectly familiar with the action and the record of the Pension Office during that four years, I, for one, can not follow the Senator from Georgia, and I hope before any of the Senators on either side of this body make up their minds to follow his recommendation they will carefully study the policy of the administration of the Pension Bureau during the four years from 1893 to 1897.

I find that the records of the bureau show that by reason of the instructions of the then Secretary, HOKE SMITH, of May 27, 1893, 8,723 soldiers and sailors who were drawing pensions under the provisions of the act of June 27, 1890, were dropped from the rolls, and that 23,703 soldiers and sailors who were in receipt of pensions under the said act had their pensions reduced.

Mr. President, that action was taken without any notice whatever to the pensioners; they were given absolutely no chance to be heard; and so I was somewhat surprised to-day when I heard the Senator [Mr. SMITH] insist so strongly upon evidence being filed, when I remembered the case of a poor old soldier in Emporia, Kans., who had his pension taken away from him on an anonymous letter, and it took me six months to get that pension restored by the bureau.

But the action of the bureau at that time was such that Congress—a majority of the House then being of the party of the distinguished Senator [Mr. SMITH]—felt that they could not stand for the action of the department, and on the 21st of December, 1893, passed the following law:

*Provided*, That any pension heretofore or that may hereafter be granted to any applicant therefor under any law of the United States authorizing the granting and payment of pensions, on application made and adjudicated upon, shall be deemed and held by all officers of the United States to be a vested right in the grantee to that extent that payment thereof shall not be withheld or suspended until, after due notice to the grantee of not less than 30 days, the Commissioner of Pensions, after hearing all evidence, shall decide to annul, vacate, modify, or set aside the decision upon which such pension was granted. Such notice to grantee must contain a full and true statement of any charges or allegations upon which such decision granting such pension shall be sought to be in any manner disturbed or modified.

Again, a well-known order was issued by the then Secretary of the Interior, Mr. SMITH, and by the Commissioner of Pensions, Mr. Lochren, known as "Order 225." That order contained a provision known as paragraph 4, which was of very great injustice to the soldier, because it placed the rating of his pension in the hands of a medical referee in the bureau. I want to call your attention to paragraph 4 of that order. It reads:

4. To give the claimant a pensionable status under this act the disability must be such as to incapacitate him for the performance of manual labor in such a degree as to render him unable to earn a support; yet the act recognizes differences in the degree of such pensionable disability, giving \$12 per month in case of the greatest and \$6 per month in case of the lowest degree of such pensionable disability rendering the claimant unable to earn a support by manual labor. It also provides for intermediate ratings proportioned to the intermediate degrees of such pensionable disability. The proper ratings under this act will therefore be made in accordance with such rules for rating as the medical referee shall prescribe, subject to the approval of the commissioner.

WM. LOCHREN, Commissioner.

Approved:

HOKE SMITH, Secretary.

The medical referee issued the following: Oh, it is an order that the people of this country should read, and then be ashamed that there was ever such an order issued; and after it was issued there was such a storm of protest over this country of ours that it had to be recalled. Listen to this:

If there are two or more disabilities each demanding a rate of \$6, the rating of \$8 only shall be allowed; and if there are two or more disabilities each demanding a rate of \$8, the rating of \$10 shall be allowed; but two or more disabilities each demanding a rating below \$6 shall not be added to make a minimum rating, and such cases shall be rejected.

What is this? A man might be examined and have 20 ratings of \$6 each, and under that ruling he would be entitled to \$8, and I remember a case where a man was rated at forty-two-eighths and he was allowed a pension of \$8 a month. An application might be rated on separate disabilities at less than six-eighths on each and he would not be entitled to a pension under that rule. No wonder there was a storm of disapproval against such a ruling as that, and it was afterwards withdrawn by the Commissioner of Pensions, but the fixing of rates was left in the hands of the medical referee or the medical officer in the board of revision. The dissatisfaction became so great that Congress passed a law, as follows:

That from and after the passage of this act all pensioners now on the rolls who are pensioned at less than \$6 per month for any degree of pensionable disability shall have their pensions increased to \$6 per month, and that hereafter, whenever any applicant for pension would under existing rates be entitled to less than \$6 for any single disability or several combined disabilities, such pensioner shall be rated at not less than \$6 per month: *Provided also*, That the provisions hereof shall not be held to cover any pensionable period prior to the passage of this act, nor authorize a rerating of any claims for any part of such period, nor prevent the allowance.

Senators and Members of the House who desired to help the old soldiers were able to do so by going to the Pension Office and examining the reports of the local medical board. One day the Congressmen were told that the medical reports would not be given with the papers, and that they could not be examined. I am glad to say that action only lasted for a few hours, for after some little discussion the Members were again per-



mitted to see the reports, but the claimants or their attorneys were not permitted to examine them. This action in regard to claimants and their attorneys was not satisfactory, and Congress enacted the following law on July 18, 1894:

*Provided, That the report of such examining surgeons, when filed in the Pension Office, shall be open to the examination and inspection of the claimant or his attorney, under such reasonable rules and regulations as the Secretary of the Interior may provide.*

Another thing: In order, as I stated before, to prevent the use of these reports to help the old soldiers an order or an instruction of some kind was issued so that the boards, upon examining the claimants, did not report and rate each disability, and there was nothing upon which the Congressman could base an argument to the commissioner or the medical referee in behalf of the pensioner. They had to accept the finding of the medical referee, based upon the description made by the examining surgeons.

It was not strange that Congress was not satisfied with such action, and later—and after the term of the administration of Mr. Cleveland had expired—the following law was enacted:

That the report of such examining surgeons shall specifically state the rating which, in their judgment, the applicant is entitled to; and the report of such examining surgeons shall specifically and accurately set forth the physical condition of the applicant, each and every existing disability being fully and carefully described.

It seems to me that an examination of the laws enacted by Congress since 1893 shows the feeling of this body on the pension question.

Another thing. I notice that the distinguished Senator [Mr. SMITH] said he thought there should be a plan of payment and adjustment and that we should figure how much money we had for the pensioners and then rate the pensions accordingly. That is not quoting the Senator exactly, but that is the substance of what he means.

Mr. SMITH of Georgia. Substantially.

Mr. CURTIS. The then Secretary's position explains why, in 1894 when Congress appropriated \$166,000,000 for pensions, there was disbursed by the Pension Office only \$143,000,000.

In the last amendment offered by the Senator from Georgia [Mr. SMITH] provision is made for special examiners, and the cases are to be examined by them before they are acted upon. I should like in this connection to call attention to the amount of money that was spent for such examinations during the Senator's services as Secretary of the Interior. In 1893 there was appropriated for special examiners \$225,000; in 1894 there was used in this division \$400,000; in 1895, \$450,000; in 1896, \$497,000. In 1898 the appropriation was \$431,000, the appropriation having been made the year before.

Mr. SMITH of Michigan. I simply desire to say to the Senator from Kansas that they took that twenty-odd million dollars from the soldiers and gave it to the importers of European manufactures and merchandise. That administration had more sympathy for the importers of European products who were benefited by free trade than sympathies for the soldiers who fought the battles of the Republic.

Mr. CURTIS. In addition to the number of pensioners upon the rolls there were 50,000 attorneys practicing before the department, with from 5 to 10 witnesses in each case.

With thousands of men before whom testimony has been taken, there were only 963 indictments found in the three years of 1894, 1895, and 1896, and only 596 convictions had. The commissioner tells us that by and through the efforts of the special examining division and the law division there was recovered by the United States, in round numbers, \$20,000.

This is evidence that this large expenditure of money was not justified.

I call attention to these figures for this reason: There is absolutely no use of increasing the appropriations to provide for special examiners in the field.

Now, Mr. President, I intended to make a few remarks on the general pension bill when it comes up, as I want to talk about the various features of a pension bill—the Sherwood bill and the Smoot substitute bill—but I will not to-day take up the time of the Senate in discussing those measures.

I do want, however, to say something about other matters which have caused much trouble. After pensions claims were rejected, suspended, or dismissed, and new applications were filed for restoration, Congress became convinced that the old soldiers were not having fair treatment in the department, because, when allowed, the pensions were not dated from the time of filing the first application; so Congress passed the act of March 6, 1896, which provided that when such a pension claim was allowed the pension should date from the filing of the first application, provided the evidence showed a pensionable disability to have existed at the time of the filing of such first application.

Now, the Senator objects because \$4,000,000,000 has been expended for pensions. Why have we paid \$4,000,000,000 to the pensioners of this country? I as one Senator believe that this great Government has no right to measure in dollars and cents the services these men rendered; and if it were 10 times the amount, the debt the Government owes to the Union soldiers would not be paid. I believe we ought to give the Union soldiers most liberal pensions. Senators talk about soldiers' homes. If we pass the Sherwood bill and give a dollar a day to the soldiers of this country who served more than a year, 90 per cent of the soldiers who are able to get around will leave the soldiers' homes. If you will pass the dollar-a-day pension bill you will largely stop the enactment of private pension bills, because, no matter what figures you take, if you pass the Sherwood bill you will place over 200,000 soldiers upon the pension roll at a dollar a day.

So I ask Senators not to waste the time of the Senate while the soldiers are passing away every hour, but do that which will enable them to leave the soldiers' homes and return to their families and live as they would like to live, and would if enabled so to do. It is very strange to me that we should stop and haggle over the appropriations to pay pensioners when bills are enacted by Congress which require an expenditure of from \$5 to \$300 to collect \$1.

We can spend from \$400,000,000 to \$500,000,000 for the Panama Canal, and yet some one complains if we want to increase soldiers' pensions and appropriate \$45,000,000 a year to increase the pensions of the men who made it possible for us to build the Panama Canal; to increase the pensions of men who made it possible for us to be here to-day. I ask Senators upon the other side of the Chamber to recognize the great service that was rendered by the Union soldiers in saving and preserving this Union. We who represent this great and rich Nation should not haggle over the money that is asked to be appropriated to pay the soldiers who saved this country and who have helped to make it the greatest Nation in the world.

The PRESIDING OFFICER (Mr. LODGE in the chair). The question is on agreeing to the amendment proposed by the Senator from Georgia.

Mr. McCUMBER. Before we proceed to a vote upon this amendment, as many Senators are absent and will have to be informed as to what we are voting upon, I suggest, before the vote is taken on the amendment, the absence of a quorum.

The PRESIDING OFFICER. The Senator from North Dakota suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Crawford	Kern	Shively
Bourne	Cullom	Lodge	Smith, Ga.
Brandegee	Cummins	Lorimer	Smith, Mich.
Briggs	Curtis	McCumber	Smoot
Bristow	Dillingham	Martine, N. J.	Swanson
Brown	Fletcher	Myers	Tillman
Bryan	Foster	Nixon	Warren
Burnham	Gallinger	Oliver	Watson
Burton	Gardner	Overman	Williams
Chilton	Guggenheim	Page	
Clark, Wyo.	Johnston, Ala.	Perkins	
Crane	Jones	Pomerene	

Mr. FOSTER. I wish to announce that my colleague [Mr. THORNTON] is unavoidably absent.

Mr. JONES. I desire to state that my colleague [Mr. POINDEXTER] is absent on account of the sickness of his mother.

Mr. OLIVER. I wish to state that my colleague [Mr. PENROSE] is necessarily absent to-day, and he is paired.

Mr. SMOOT. I desire to announce that my colleague [Mr. SUTHERLAND] is necessarily absent.

Mr. CRAWFORD. I wish to announce that my colleague [Mr. GAMBLE] is necessarily absent, and that he has a general pair.

The PRESIDING OFFICER. Forty-five Senators have answered to their names—not a quorum.

Mr. WILLIAMS. I move that the Senate adjourn.

The question being put, there were on a division—ayes 10, noes 23.

Mr. WILLIAMS. I ask for the yeas and nays.

The yeas and nays were not ordered.

The PRESIDING OFFICER. The motion is lost. The Senate refuses to adjourn.

Mr. BRADLEY, Mr. REED, Mr. WETMORE, and Mr. JOHNSON of Maine entered the Chamber and answered to their names.

The PRESIDING OFFICER. Forty-nine Senators have answered to their names. A quorum of the Senate is present.

Mr. GALLINGER. Mr. President, I desire for one moment to engage the attention of the Senator from Georgia.



Mr. SMITH of Georgia. One moment. I rise to a point of order. The two hours have elapsed.

The PRESIDING OFFICER. The hour of 4 o'clock was passed while the roll was being called.

Mr. GALLINGER. There is no unfinished business, the unfinished business having been recommitted to the Committee on the District of Columbia.

The PRESIDING OFFICER. There is no unfinished business.

Mr. GALLINGER. Except the present bill, which becomes unfinished business.

The PRESIDING OFFICER. Except the pending bill.

Mr. SMITH of Georgia. Has that become unfinished business?

The PRESIDING OFFICER. It becomes the unfinished business.

Mr. GALLINGER. Mr. President, yesterday, and again today, the Senator from Georgia suggested that he thought it would be good legislation under the administration of the pension laws if we cut off all those residing in foreign countries who are receiving pensions, I think the Senator said, to the amount of about \$1,000,000 a year.

Now, Mr. President, that was done on one former occasion and Congress repealed it shortly after. If I mistake not, it was done while the honorable Senator was in the high position of Secretary of the Interior. A protest came up against that action on the part of the Senate. I was then acting as chairman of the Committee on Pensions of this body. I received a very pathetic letter, a well-written letter, from an old lady living in Ireland. In that letter the statement was made that her husband was killed in the Civil War; that he enlisted in the Union Army and died on the battle field; and she could not understand why, under such circumstances, the Government of the United States refused to give her a pension or to continue her pension on the ground that she was living in a foreign country. About that time—

Mr. SMITH of Georgia. Will the Senator from New Hampshire allow me to interrupt him?

Mr. GALLINGER. Certainly.

Mr. SMITH of Georgia. I want to say that I would be thoroughly opposed to cutting off a pension of that kind where there was a service injury.

Mr. GALLINGER. But that is precisely what Congress did. It did not differentiate.

About that time I made a little trip into Canada, where I frequently go, and in the town where I chanced to have been born I came across quite a number of ex-soldiers. One of them whom I knew in boyhood had been shot through the chest, grievously wounded. He had been on the pension roll. He did not get any bounty when he entered the service; he entered it from patriotic motives, although a citizen of a foreign country; he wanted to fight. His pension was cut off, and he represented to me that it was a great hardship. He thought it a matter the Government of the United States ought not to be engaged in. I found several others who had received wounds and had suffered disabilities, and they made their plea.

Now, we ought to be careful about what we do in these matters. Acting upon the information I obtained in those cases and others, I introduced a bill to repeal that provision of law, and it was agreed to, and those pensions were restored.

I do not know how many men served in high positions in the Army who were citizens of foreign countries, but I feel sure the records will show that some of our men who distinguished themselves very much as officers in the Union Army were citizens of foreign countries. I chance now to think of one, Emil Frey. He is living in Berne, Switzerland. He was a brevet major of an Illinois regiment and rendered distinguished service as the commander of a company, and I think at one time he commanded the regiment; I am not quite sure. He is on the pension roll. He was on the pension roll at the time of that enactment, and he was cut off for the time being.

Mr. President, I am glad to have the Senator say that he would differentiate in certainly that class of cases. If there are some people living in Canada, for instance, who came here and for a bounty enlisted and served toward the close of the war, I think I would cheerfully join with the Senator in saying that those were not cases that appealed to either our generosity or our justice in matters of that kind.

This is all I care to say. I took a great interest in the matter a few years ago, when I was confronted with these facts, which I thought ought to be given consideration; and, as I said, I was responsible in a sense, because I introduced the bill to repeal the law. We have gone along in that way, and I certainly would be opposed to a sweeping repeal of that provision of our pension laws.

Mr. SMITH of Michigan. Mr. President, I want to suggest to the Senator from New Hampshire that it is just possible

many of the most caustic critics of the American pension system are among the men who found Canada a very convenient place of refuge when the war broke out and who did not come back until it was all over.

Mr. SMITH of Georgia. Mr. President, before we vote upon this subject I desire to offer a few remarks in reply to the Senator from Kansas [Mr. CURTIS]. At the time I had the honor of occupying the position of Secretary of the Interior there presided over the Pension Bureau as gallant a soldier as ever served in the Union Army. He was not simply a soldier who had enlisted for 90 days; he was not a soldier who went to the front for a bounty or to take somebody else's place; he was a colonel in the Army, and he carried the scars, the holes through him, of bullets. There was no more gallant officer upon the battle field at Gettysburg in the Union Army than the man who then presided over the Pension Office. With few exceptions the entire details of that office were under his control. I might say that the only differences he and I had were when I objected to what I thought was a little too rigid enforcement of his conception of law.

At the opening of the administration we found an order—I must speak from memory now; 16 years gone by—that practically set aside an act of Congress in the fixing of pensions. It was an order of the commissioner which practically eliminated the provisions of the statute applicable to the mode of classifying the pay of a pensioner. That question came up for consideration, and an opinion was rendered by the department following the statute. I can not now recall the name of the case in which the opinion was rendered; it has been so long ago, and I have had no occasion to think of it since. Possibly the Senator from Kansas can tell the name of the case to which I refer.

Mr. CURTIS. I think the Senator refers to what was known as the Bussey decision.

Mr. SMITH of Georgia. No.

Mr. CURTIS. That is the only one I know of.

Mr. SMITH of Georgia. That was not the decision rendered when I was Secretary of the Interior. The view of the law taken by the commissioner was sustained by the department, and after examination I think we found that a prior Assistant Secretary at least had rendered exactly the same opinion.

Mr. CURTIS. May I interrupt the Senator there?

Mr. SMITH of Georgia. Yes.

Mr. CURTIS. I think if the Senator will examine the Bussey decision he will conclude that it did not sustain the contention. That point was raised once before, and I had occasion to look up that decision and I found it did not sustain it.

Mr. SMITH of Georgia. I want to say to the Senator from Kansas that I speak solely relying on my memory, 16 years after the transaction, with no opportunity to have in any way refreshed my recollection about it for many years; but that the opinion which was rendered while I was Secretary of the Interior simply followed the statute, invoked no new rule, and required the department to administer the pension system under the law as it had been written by Congress, and not under a system of the Pension Bureau which had superseded the act of Congress.

That the effect of superseding the statute had been somewhat surprising I can illustrate by a little incident that happened in connection with my personal observation. There had been promoted to the position of Assistant Commissioner of Pensions one of the men in the Pension Bureau who had shown great proficiency. After he was promoted to the position of assistant commissioner on account of his ability and capacity for work, he brought to the attention of the department that he was drawing a pension of \$12 a month under a statute which only allowed this sum for total disability. I mention that simply to show that under the administration of the Pension Bureau, just before Judge Lochren took charge, the administration had drifted clear away from the law. The modification at the instance of the commissioner, a splendid ex-Union soldier, was solely in the line of bringing the bureau to a compliance with the statute; and the opinion rendered in the leading case as to the meaning of the statute to which I refer has never been reversed, so far as I know or so far as I have ever heard, by any subsequent administration of the Interior Department or the bureau itself. If the Commissioner of Pensions found it necessary to suspend a number of pensions, it was because he found that those pensions had been granted in deliberate disregard of the law and without any compliance on the part of the applicants with the proof required by the statute to show the disability of the particular pensioner.

With reference to the expenses of the department, from an examination of a list of expenditures in my hands (the whole matter had gone from my memory) I find that the expenses of



subsequent years were about the same as during the time this extra work was put upon the department during the administration of Judge Lochren. I find also that the pension roll, as made up by Judge Lochren under the statute, was not increased by subsequent administrations, although he reduced the pension payments about \$17,000,000 annually. So, however harsh it may have seemed to take from the pension roll men who had been put upon it, the subsequent administrations were compelled to recognize the fact that, taken as whole, the conduct of Judge Lochren in administering the Pension Bureau was in conformity with law. That there were individual instances that made cases of hardship I have no doubt is true, but that the general administration was simply an administration by that splendid man in conformity with the statute is sustained by the fact that the roll, when he retired, found no sudden increase upon its list by the next administration, which would have been the case—

Mr. CURTIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Kansas?

Mr. SMITH of Georgia. Certainly.

Mr. CURTIS. I think that can be explained by the fact that if you will examine into the record you will see that the board of review which had charge of all cases had 104,000 one year, and they found something to object to in each case so as to delay action.

Mr. SMITH of Georgia. I find from this report that the pension payments in 1894 were reduced to \$139,986,726.17; in 1895 to \$139,812,204.30; in 1898 they were \$141,651,879.80; in 1900 they were \$138,462,130.65; in 1901 they were \$138,531,483.84; in 1903 they were \$137,759,653.71; and in 1904 they were \$141,093,571.49. So the rather severe attack of the Senator from Kansas was hardly just, eloquent though it was; eloquent, as it is almost easy to be upon the subject on which he spoke; eloquent, as it is almost impossible not to be under the circumstances on the subject upon which he spoke. In spite of the fact that it was directed a little harshly toward me, it was so eloquent I could not help enjoying it. It was delightful to see the enthusiasm with which he described the valor of the soldiers and criticized the honest official conduct of one of the soldiers, Judge Lochren, although, of course, that criticism was directed toward myself. I only wish, without any opportunity to obtain the details, to give these facts in partial answer to the very eloquent speech of the Senator from Kansas.

I wish to assure him that, in spite of the feeling which he manifested on the subject, I entertain none; and I am sure that the effort of Col. Lochren, one of the heroes of Gettysburg, while he was at the head of that bureau was simply to follow the law, and the subsequent records of the bureau sustains his work.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Georgia [Mr. SMITH].

Mr. SHIVELY. Mr. President, I ask that the amendment may be again read.

The PRESIDING OFFICER. The Secretary will read the amendment.

The SECRETARY. It is proposed to strike out the item at the bottom of page 21 relative to Frank A. Wardwell, in the following words:

The name of Frank A. Wardwell, late of U. S. S. Vandalia and Ohio, United States Navy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

Mr. SMITH of Georgia. Mr. President, I do not know whether we need a quorum to proceed with this matter. I do not know but that I ought to suggest the absence of a quorum.

Mr. SHIVELY. There has been no want of a quorum disclosed. We are just about taking a vote, which may possibly develop the presence of a quorum.

Mr. GALLINGER. I move that the Senate do now adjourn.

The motion was not agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment which has been stated by the Secretary. [Putting the question.] The yeas appear to have it. The yeas have it, and the amendment is lost.

Mr. SMITH of Georgia. I do not want to call for the yeas and nays, but I would be glad to vote for my own amendment. I unintentionally did not vote. I was speaking to the Senator from Georgia [Mr. Bacon] at the time. I am not insisting on a call of the roll on the amendment or on the question of the presence of a quorum. I do not think the presence of a quorum would affect the vote, and for that reason I am not going to make any point on the absence of a quorum.

The amendment was rejected.

The PRESIDING OFFICER. The bill is still as in Committee of the Whole, and open to amendment.

Mr. BRYAN. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated. The SECRETARY. It is proposed to strike out lines 9, 10, 11, and 12, on page 16, of the bill, which read as follows:

The name of Heber Angel, late of Company M, Sixth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

Mr. BRYAN. I ask the Secretary to read the report of the committee on original Senate bill No. 2255, on page 37.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

S. 2255. Heber Angel was a private in Company M, Sixth Regiment Michigan Volunteer Cavalry. He served from February 16, 1865, to November 24, 1865, and was honorably discharged. He is a pensioner under the service act of February 6, 1907, at the rate of \$20 per month. He was formerly pensioned under the act of June 27, 1890, at \$12 per month. His application under the general law for chronic diarrhea and scurvy, filed November 20, 1886, was rejected June 7, 1899, because he could not furnish the necessary evidence to connect his disabilities with the military service.

Claimant is now upward of 77 years of age. The testimony on file in his case shows that he is generally broken down from rheumatism, bronchitis, disease of eyes, and other infirmities of old age, and is no longer able to perform manual labor or to do anything toward earning a support. It is also shown that he is a poor man without property or means of support other than his pension. On account of soldier's age, poverty, and inability to earn a support by his own manual labor, the committee recommend increase of pension to \$24 per month.

Mr. BRYAN. Mr. President, from the reading of this report Mr. Angel served in the Civil War from February 16 to April 9, 1865. I have a report from the War Department as follows:

WAR DEPARTMENT,  
THE ADJUTANT GENERAL'S OFFICE.

Heber Angel, late private, Company M, Sixth Michigan Cavalry volunteers.

The official records show that Heber Angel was enrolled February 16, 1865, at Lowell, Mich., and was mustered into service February 21, 1865, as a private of Company M, Sixth Michigan Cavalry Volunteers, to serve one year. It appears that he served faithfully until November 24, 1865, when he was mustered out and honorably discharged from service with the company as a private.

Nothing has been found of record to show that he was under treatment in hospital at any time within the period of his service.

Official statement furnished to Hon. HOKE SMITH, United States Senate, March 4, 1912.

By authority of the Secretary of War:

E. F. LADD, Adjutant-General.

From February 21, when he was mustered in, to April 9, 1865, when Lee surrendered, was 47 days. The report shows that he has drawn a pension under the act of June 27, 1890, at \$12 per month until the act of 1907 became effective, when he took advantage of the provisions of that act. Therefore he drew pensions for sixteen and a half years at \$144 a year, making \$2,376; then for three years at \$180 a year, making \$540; then for two years at \$240 a year, making 480; a total of \$3,396 for 47 days' service, or an average of \$72.25 a day.

The report further shows that in 1886 he made application for an increase of pension for an injury due to service, and that upon examination by the bureau his application was rejected. The report which I have read from the War Department also shows that he has been unable to show any injury due to that service; yet, Mr. President, we are now asked to single out this man from the great body of the soldiers and to increase his pension to \$24 per month, when he has already received \$3,396 for his six weeks' service with no injury at all.

It is not my purpose, Mr. President, to undertake to delay a vote upon these private pension bills. I call the attention of the Senate in this way to this case, so as to justify myself in placing in a few words before the Senate what we are trying to do and what we have been doing in private pension legislation. On the subject of general pension legislation I undertook to make myself understood some time ago. I base the right of a man to receive a pension not in a scrimmage between age and length of service, not on the question of whether he was 90 days in the war or whether he served three years, but I base it upon the question of whether or not, because of his patriotism to his country, he suffered injuries by reason of that service and is now in need of aid from that Government which he helped to save. On no other basis, in my judgment, can you justly deal with the great body of survivors of the Union Army.

Until 1890 you tried the plan of giving pensions to those who suffered disability, and not until then did this Government branch out into the plan of undertaking to pay men in the cold dollars of a pension roll for services to their country in time of war; but from 1890, when you undertook to grant pensions because of inability to earn a living by manual labor, although not due to service, until that act of 1907 you required only 90 days of service, and then gauged the amount received by age, there has been constant and continuous dissatisfaction with the policy of pension legislation.

I understand from the discussion that, so far, has taken place here that the Spanish-American War veteran does not seem to have many friends. I was interested in the question propounded



by the chairman of the committee to the Senator from Georgia [Mr. SMITH], in which he stated that this Government was more liberal to the survivors of that conflict than to those of the Civil War; but, as I understand, the survivors of the War with Spain base their right to a pension upon disability due to service, and that the same act of the same Congress is there to be taken advantage of by the survivors of the Civil War.

Mr. McCUMBER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from North Dakota?

Mr. BRYAN. Certainly.

Mr. McCUMBER. Mr. President, lest the Senator himself may have obtained the wrong idea of what the statement was, I will repeat it. The statement was that the soldiers who obtained pensions immediately after the close of the Civil War for a degree of injury incurred in that war received only a small percentage of what the soldier of the Spanish War receives for like services after the close of the Spanish War. We were speaking at that time of the amounts that were paid for injuries incurred in the line of service, and while the soldier of the Civil War to-day is receiving just as much, he is receiving, when he is a very old man, what the Spanish War veteran is receiving for light wounds or injuries while he is a comparatively young man.

Mr. BRYAN. Well, the Spanish War soldier has not got old enough yet.

Mr. McCUMBER. In that respect certainly the Spanish-American soldier is receiving a great deal more in the line of benefit for his services than was the soldier of the Civil War at exactly the same length of time after the close of the war in which each was engaged.

Mr. BRYAN. I do not know how that may be. I have only to say a word for the Spanish-American veteran. I think it is just as bad to be killed with a bolo as with a bullet.

Mr. McCUMBER. I will give the Senator from Florida just one illustration, if the Senator will allow me.

The PRESIDING OFFICER. Does the Senator from Florida yield further?

Mr. BRYAN. I do.

Mr. McCUMBER. At the close of the Civil War the soldier who had lost an arm was allowed \$8 per month; at the present time he is allowed \$55 a month; and at the present time the soldier who lost an arm in the Spanish-American War is entitled to \$55 a month, as against the \$8 a month that the soldier of the Civil War received after the close of the war in which he was engaged.

Mr. BRYAN. Mr. President, the Senator from North Dakota ought not to object if a veteran of the War with Spain takes advantage of the liberal legislation enacted for the benefit of survivors of the Civil War. Under the general law as applied to either one of them they can draw more than they can under the act of 1890 or under the McCumber Act of 1907.

Mr. McCUMBER. The Senator says that I can not object. I certainly do not object; but I call attention to the fact that the soldier of the Civil War did not receive nearly as kind treatment at his age as does the soldier of the Spanish-American War.

Mr. BRYAN. That is only because he happened to come along at a fortunate time in his country's history in so far as pension legislation is concerned.

Now, under neither of the general pension bills before the Senate or that will be brought before the Senate will the question of need for pensions be presented. The report of the committee condemns basing a pension upon meritorious service and need as wrong in principle. They say that to take from a person his pension because he does not need it is to penalize thrift. It is no more so, in my judgment, Mr. President, than the fact that in the respective counties where we live not all of us are on the poor list. It is inevitable that people who, because of their fault or because of misfortune, have not earned enough of the world's goods to support themselves, whether they are survivors of the war or whether they are good citizens or bad citizens, have to be supported at public expense out of the taxes of the people; but when we come to private-pension legislation it is seen in every report that the basis for it is the need of the applicant. Why, then, does the committee shift its position? If it is reprehensible to urge need as a general proposition when general pension legislation is being considered, why is it urged in each report as being one of the basic questions upon which the Senate is asked to vote special legislation?

Mr. President, in the short time I have served upon the Committee on Pensions I have been impressed with the impossibility of giving fair consideration and just consideration to this class of legislation. More than 75 per cent of the bills introduced into the Senate of the United States are private pension

bills. They go to a committee of 14 members. The committee assembles around the table, the clerk of the committee, as stated by the chairman of the committee on yesterday, having written the report in each case. The number of cases is divided among the 14 Senators, and each Senator looks through those submitted to him, or is supposed to do so. If he has no objection they come here in the form of an omnibus bill. Therefore, Mr. President, unless objection is made, only one Senator of the United States and the clerk of the committee have had anything to say about that bill. It then comes to be passed by the Senate without consideration, because it is impossible to give each bill consideration. From the time the bill is introduced here until the Vice President and Secretary have, by a shorthand form, announced its passage, including the time when it is in the committee and referred to a Senator from the State where the claimant lives or from an adjoining State, if possible, no man except those one or two men knows anything about the case; yet it is supposed to be reprehensible, Mr. President, to stand here and call attention to these matters.

Mr. SMITH of Michigan. Mr. President—

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Michigan?

Mr. BRYAN. Certainly.

Mr. SMITH of Michigan. I should like to suggest to the Senator from Florida that there was not that much formality in the enlistment of men for the war.

Mr. BRYAN. I hope, Mr. President, that the Senator from Michigan does not undertake by the illustration he has given to say that the method I have described is the proper method of enacting legislation.

Mr. SMITH of Michigan. It has been in vogue for a great many years, Mr. President; it has been in vogue when the Democratic Party were in possession of both branches of the Government, as well as when the Republican Party have been in control. There never has been any difference.

Mr. BRYAN. The Senator from Michigan may be responsible for the Republican Party, but I have had very little responsibility so far for the Democratic Party. Regardless, however, of party or who did it, I say it is not possible under that system to have well-considered legislation.

We come, then, to consider this case of a man who served 47 days and who has received \$3,400. Under the rules of the committee, as I understand, he must have had long service to entitle him to an increase by special act of Congress. But it is said he is 77 years of age. Well, Mr. President, there are other soldiers 77 years of age, and it is unfair to them to increase the pension of this man. If you want to put it on a basis of dollars and cents, they ought all to receive the same for like service. This man receives \$20 a month now, and he has received \$12 a month for the last 22 years, and it occurs to me that that is pretty fair compensation for 47 days' service.

The point I make with reference to the work done in the Committee on Pensions is this: I do not undertake to say that anybody should be criticized or blamed. It is the system, the undertaking to make exceptions, that is at fault. I believe we ought to do one of two things: We ought to enact satisfactory general-pension legislation and never enact a private-pension bill, or we ought to enact the rules of the Pension Committee, send them down to the Commissioner of Pensions, and let him administer the details of the method of paying out pensions. No man, I take it, would stand in his place here and undertake to say that we have given or can give intelligent consideration to these bills. If the chairman of the committee had realized that he was taking one man 77 years of age out of a list of about 1,500 and elevating him above the others in pay, notwithstanding the fact that some of that other 1,500 may have served four years during the war and this man had the long-standing service of only 47 days—I do not think it would have appealed to the well-established sense of justice of the Senator from North Dakota.

Mr. President, of course a man 77 years of age is unable to do manual labor; that goes without saying; but it is no more true of a man who served 47 days in the war than it is of a man who never went to the war, but is of that age. A case of poverty, of destitution, of old age appeals to the kindly feelings of us all, but where is the difference in the case of this man and that of any other man in like circumstances and conditions?

Sometimes I think, Mr. President, in considering this class of legislation, that it would not be out of place also to remember the great army that never went to war—the great industrial army. It has some deserters and some shirkers in it, but, on the whole, the members of that army have worked their way through life until some of them are 77 years of age. They are not asking anything at the hands of the Government ex-



cept a fair chance and that the power of taxation be not used against them for the benefit of some who do not need that aid.

I do not agree with much that was said by the Senator from Georgia as to the proper basis of pension legislation. I do not think we ought to take so many million dollars and divide that among those we consider entitled to it, but I do believe that we ought to establish the principle that a soldier who rendered meritorious service to his country and suffered by reason of that service should receive compensation, and that those who rendered no service or whose service, as in this case, was so short as to be inconsiderable, should be pensioned, if at all, in the first place, under the general law, and certainly should not be taken and placed above those of long service in the amount of pension received.

There is a feeling of dissatisfaction among the soldiers. I suppose the chairman of the committee, who was in the Chamber when I delivered some remarks upon the subject of pension legislation some time ago, might be of the opinion that I would find very little sympathy with the survivors of the Union Army; yet, Mr. President, I have had many letters from them, and, if I can find it, I want to read just one.

Mr. SHIVELY. What is the Senator proposing to establish by reading the letter—that he is in sympathy with the survivors of the Civil War?

Mr. BRYAN. If the Senator from Indiana will be patient the letter, if I can find it, will disclose to him the purpose.

Mr. SHIVELY. I thought the Senator might announce his purpose in desiring to read it.

Mr. BRYAN. It was from a member of the John A. Logan Chapter, at some place in New York, indorsing the proposition I had before the committee to make the pension roll public, and stating that the real soldiers in that war wanted it made public. They are placed now in an unfair position. They are forced by this legislation to make common cause with men of very nominal service. They do not like that; and I do not believe the Senator from Indiana down in his heart of hearts likes it or blames them for not liking it.

Mr. SHIVELY. If the Senator from Florida will permit me, he may not, but the Senator from Indiana is not going to take an extremely remote exceptional case and try to impress the Senate or the country that it is a typical case.

Mr. BRYAN. I have not said this case was typical. I moved to strike it out because I do not believe it can be defended by any Senator.

Mr. SHIVELY. The Senator just a few moments ago referred to the great industrial army, some of whose members are growing old and becoming infirm, but who are not asking for anything. What are we to infer from that—that we should not grant pensions at all?

Mr. BRYAN. What I had in mind was that this man, because of his 47 days' service for which he received \$3,400, had not placed himself so far superior to those men as to justify us in granting him by private bill an additional pension.

Mr. SHIVELY. Does the Senator claim that the facts are incorrectly reported in the report submitted to the Senate?

Mr. BRYAN. I have not claimed that.

Mr. SHIVELY. How does he shorten that service report into 47 days' service?

Mr. BRYAN. In the Civil War, I said. He served from February 21 to November 24, 1865; but I said in the beginning the surrender at Appomattox was on April 9, 1865.

Mr. OVERMAN. How did he get \$3,400 for serving 47 days?

Mr. BRYAN. He applied for pension under the disability clause of the general law, but having incurred no disability, he could not get a pension—

Mr. McCUMBER. Mr. President—

Mr. BRYAN. Now, just let me answer one at a time, if you please. Then, in 1890, being unable to perform manual labor, he got \$12 a month under the act of June 27, 1890.

Mr. McCUMBER. Could he get \$12 a month without having served 90 days?

Mr. SHIVELY. Certainly not.

Mr. BRYAN. Certainly not.

Mr. McCUMBER. Then he must have served more than 47 days.

Mr. BRYAN. Oh, no; I do not think so, because—

Mr. SMITH of Georgia. He could serve 90 days—

Mr. BRYAN. Wait a minute, if you please. If he had enlisted near the close of the war and served for a year afterwards he would draw a pension; for the Senator from North Dakota knows that while, as a matter of fact, the war was over on April 9, 1865, officially it was not declared over until August 20, 1866, and a man who had enlisted prior to the surrender of Lee

at Appomattox and served until 1866 will be counted as if he had served in the war a year.

Mr. CLARK of Wyoming. Mr. President—

Mr. McCUMBER. But the Senator must understand that the Supreme Court held that the war was not over until August, 1866.

Mr. BRYAN. Certainly.

Mr. McCUMBER. Several dates have been used by the department, but when we pass a law which declares that the soldier must have served 90 days in the Civil War we must find and recognize before he is allowed a pension the length of his service after his enlistment and during the continuance of the Civil War of at least 90 days.

Mr. BRYAN. Does not the Senator agree with me that it was impossible for Mr. Angel to have enlisted on February 21 and served 90 days in actual warfare in the Civil War?

Mr. McCUMBER. I say it depends upon where his regiment was sent. Our good Texas friends kept us busy for nearly a year later before that State was entirely subdued.

Mr. BRYAN. But you ask me how he could get a pension at all. His service commenced in February, 1865. The only way I know would be for him to have served after the close of the war.

Mr. McCUMBER. Under no decision has it ever been regarded as terminating on April 9, the date of the surrender at Appomattox.

Mr. BRYAN. Certainly. The war was officially declared to have closed in 1866.

Mr. CLARK of Wyoming. Mr. President—

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Wyoming?

Mr. BRYAN. It is impossible for me to yield to more than one Senator at a time.

The PRESIDING OFFICER. The Chair entirely agrees with the Senator from Florida.

Mr. McCUMBER. I also call the Senator's attention to another matter. I think we are wasting a great deal of time.

Mr. BRYAN. If the Senator will withdraw that I will—

Mr. McCUMBER. There is a difference of only \$4 a month, and that \$4 a month is due to the fact, first, that he served at least more than 90 days and that he is in a destitute condition and is over 77 years of age.

Mr. BRYAN. Before the chairman of the committee takes his seat I should like to state that it is not said here that he was in a destitute condition. The statement here is that "he is a poor man without property or means of support other than his pension."

Mr. SHIVELY. What more would be necessary to constitute destitution than those conditions?

Mr. BRYAN. The Senator from Florida is a poor man, but not destitute exactly.

Mr. SHIVELY. The Senator has means of support. This man is without means of support other than his pension.

Mr. BRYAN. That brings to my mind this question—

Mr. McCUMBER. I hope the Senator will complete the reading of the report, because, if he will follow it a line further, he will find that it is found as a substantiated fact that "he is a poor man without property or means of support other than his pension."

Mr. BRYAN. I read that.

Mr. McCUMBER. If that is not destitution, I do not know what is.

Mr. SMITH of Michigan. Mr. President—

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Michigan?

Mr. BRYAN. In a moment. I want to answer the Senator from Indiana, and then I will yield first to the Senator from Wyoming [Mr. CLARK].

Unquestionably a man 77 years of age is unable to perform manual labor. It is stated here that he is a poor man. It is not stated that he has no relatives—sons or daughters—who are not fully capable—

Mr. SHIVELY. Or neighbors.

Mr. BRYAN. I do not say neighbors; I will make my own remarks. It is not stated he has no relatives, sons and daughters, who are not capable of supporting him. Any man 77 years old may be unable to support himself and be without the means of support in his own name. Yet if he is a genuine survivor of the Civil War it seems to me there would be enough patriotism in those of this generation to see that he would not suffer for support.

Mr. SHIVELY. The real practical test the Senator would apply in such a case is whether a man either is in the poor-house or just going into it.



Mr. BRYAN. There is no disposition on my part to evade the proposition submitted by the Senator from Indiana. I said he stands no better or worse than any other man of his age who is in poverty.

Mr. SHIVELY. No worse than any other man in the same condition, the Senator means.

Mr. BRYAN. I mean that.

Mr. SHIVELY. I agree to that proposition.

Mr. SMITH of Michigan. Mr. President—

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Michigan?

Mr. BRYAN. I yield first to the Senator from Wyoming.

Mr. CLARK of Wyoming. The occasion for my interruption has really passed. I wanted to call the attention of the Senator from Florida to another thing. The services of the soldiers did not terminate with the surrender at Appomattox. At the time of that surrender the soldiers of the United States were engaged in various parts of the country in a far more grueling conflict than that between the North and the South, to wit, on our borders, and those soldiers should receive their reward as well as those who were in the regiments in the conflict between the North and the South. It might well be that a soldier whose term of enlistment did not expire, as it says here, until he was mustered out in August, 1866, was engaged in deadly action during the entire six months following the surrender at Appomattox.

Mr. SMITH of Michigan. Mr. President—

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Michigan?

Mr. BRYAN. I will yield to the Senator in a moment. I do not say the war ended officially in 1865. I know it technically continued until August, 1866, and I know that the soldiers who served during that period were technical soldiers.

Mr. CLARK of Wyoming. But the Senator from Florida has a number of times assumed, in making his calculation of 47 days, that the soldier's services terminated at the surrender at Appomattox.

Mr. BRYAN. How else could he get a pension under the general law?

Mr. CLARK of Wyoming. He was a soldier in the Civil War, and he is entitled to have counted his service until he was mustered out of the service of the United States.

Mr. BRYAN. But, if the Senator will permit me, I will make this suggestion to him: There is a difference in our legislation between a survivor of the Civil War in his pension and under the general law which the regular establishment has cared for.

Mr. CLARK of Wyoming. But the Senator would not contend for a moment that a soldier who enlisted between 1861 and 1864, and was ordered to the Northwest to engage in Indian warfare, and who was disabled in that warfare, was not entitled to a pension as a Civil War soldier?

Mr. BRYAN. Certainly not; and if this man had been injured in the war I would not say a word about it, but the fact is he is unable to show any injury as the result of his service.

Mr. SMITH of Michigan. The Senator from Wyoming says that the reason for his interruption has passed, but the reason for mine has not passed.

Mr. BRYAN. Therefore I yield.

Mr. SMITH of Michigan. While the distinguished Senator from Florida is exercising his talent to consign this veteran soldier to the poorhouse, I would have him know that he was a member of the gallant Michigan cavalry brigade which participated in nearly a hundred battles, and that he himself was with the brigade when it formed part of the force with which Gen. Sheridan made his movement against Gen. Early's army on the rebel communications in the direction of Gordonsville and Richmond, later meeting the rebel cavalry of Gen. Rosser, then to Lynchville, Five Forks, and Sailors Creek, and at the Battle of Appomattox—one of the most crucial and important in the history of the War of the Union—and even though he was not so unfortunate as to be picked out by some southern sharpshooter, his breast was still exposed to the enemy, and for that service, if he had no other claims, he is entitled to the patriotic and generous consideration of the Government he helped to save.

The Michigan cavalry brigade, commanded by Sheridan and Custer and Alger and Kidd, brought more glory to American arms than all the soldiers that ever enlisted from the State of Florida. Yet here stands the distinguished Senator in this august assembly and underrates the services of this poor soldier to his Government.

He did not dodge his duty; and if he had not enlisted in the war until the night before any great battle, or even of Appomattox, he would still have rendered a service sufficiently con-

spicuous to entitle him to this meager allowance at the hands of his countrymen.

There was no more brilliant service in the War of the Rebellion than that contributed by the Michigan Cavalry Brigade from Bull Run to Appomattox, and while this is not my bill, I rise to remind the Senator from Florida, who was not born until after the war, that he had better read the history of the Sixth Michigan Cavalry and familiarize himself with the stoical heroism of that gallant band who never lost a gun nor a flag. After the honored Senator has studied that history, perhaps he can find it in his heart to recognize this old man who perhaps was fortunate in not being wounded and unfortunate in not being killed in battles which shed luster upon American arms and testify in words of living light his deep devotion to his country in its hour of greatest need.

Mr. President, I think it most ungenerous for anyone to suggest in this Chamber that there should be denied a pension to a man who was a member of a brigade so gallant and heroic, whose heroism can not be doubted, and whose poverty and sickness call loudly for relief. He could have remained away from the service, as millions of others did, but his services were needed, and when he entered the South boasted that the war had only begun. He did not know how long it would last or the privations he would be called upon to endure in camp or prison; he thought not of the long marches or the bloody battles; he simply acted the part of a man and a patriot, and I am sure upon reflection the honored Senator from Florida will accord him his just meed of praise for the humble part he played in the world's greatest drama enacted among the forests and fields and mountains of his unfortunate yet beautiful Southland; to be sure he entered the onslaught, but the heroic service rendered never can be compensated for in dollars and cents.

Mr. BRYAN. Mr. President, there was so much in the athletic style of gymnastic eloquence connected with the question of the Senator from Michigan that I missed it. I understood that Appomattox was not one of the great battle fields. It was the place where the surrender took place.

Mr. SMITH of Michigan. The Senator has not read history aright. That is where the Confederacy made its last stand and marshaled its greatest generals—Lee, Longstreet, and Gordon.

Mr. BRYAN. There was no fight at Appomattox.

Mr. SMITH of Michigan. No fight?

Mr. BRYAN. Not as much fight as the Senator is making now.

Mr. SMITH of Michigan. There was no fight by the Senator from Florida; that is very evident; but both armies stubbornly contested for supremacy, the Confederates protecting the supplies of their army, and after the gallant Custer had captured the Lynchburg Pike and with his dauntless cavalry destroyed trainload after trainload of supplies, cutting off Richmond, while Cavalry and Infantry were constantly in action, the white flag of Lee was seen through the smoke of battle and the unconquerable Custer sent his chief of staff, Gen. Whitaker, inside the rebel lines; but firing did not cease until the surrender was unconditional.

Mr. BRYAN. I am perfectly willing to yield to any question of the Senator from Michigan, but really he ought not to take advantage of my youth and inexperience.

Mr. SMITH of Michigan. I do not find fault with the time the Senator from Florida arrived. He arrived as quickly as he could.

Mr. BRYAN. However late I arrived, I had about as much service in the Civil War as did the Senator from Michigan.

Mr. SMITH of Michigan. I was not born until the guns resounded in the South, but I have read history, and I am familiar with the gallantry of the Michigan brigade in which this soldier served, and I shall never permit any member of it to be stigmatized in my hearing without my resenting it.

Mr. BRYAN. Mr. President, of course the Senator from Michigan can say that I have stigmatized Mr. Heber Angel, but he can not point to a single word I have said criticizing him. I have simply stated the facts as disclosed by this report—that he did enlist in the Cavalry February 16, 1865. The Senator from Michigan even supplies the point that he enlisted rather late in the war, and at that time was 30 years of age. I know nothing of Mr. Angel, or, at least, I did not know anything of him until I heard the questions propounded by the Senator from Michigan, in which he stated, by way of preliminary, several things about the service of Mr. Angel in the great battle of Appomattox. I would hardly undertake to dispute a question of history with him, but he is the first historian I have heard make the statement that between the enlistment of Mr. Angel in February, 1865, and the surrender of the Confederate forces at Appomattox in April, 1865, there were 100 battles fought, and



that Mr. Angel had been in those hundred battles. If he was in those 100 battles—

Mr. SMITH of Michigan. Mr. President—

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Michigan?

Mr. BRYAN. Yes.

Mr. SMITH of Michigan. Did the Senator from Florida say that I said there were 100 battles after the enlistment of this man?

Mr. BRYAN. I said that the Senator from Michigan—

Mr. SMITH of Michigan. The Senator should not say that. I said that the Michigan Cavalry Brigade had fought in a hundred battles.

Mr. BRYAN. Was Angel in any of them?

Mr. SMITH of Michigan. Yes; several of them.

Mr. BRYAN. Was this man in the 100 battles?

Mr. SMITH of Michigan. Oh, Mr. President, the Senator grows facetious.

Mr. BRYAN. What have the 100 battles that this regiment engaged in to do with this man's service?

Mr. SMITH of Michigan. They have something to do with the military history of our country and the prowess of his comrades.

Mr. BRYAN. I supposed the Senator from Michigan was asking me a question.

Mr. SMITH of Michigan. The Senator is captious. He seeks to avoid the fact that he is undertaking to create the impression in this Chamber that this private soldier was in no battle at all; and I remind him that he was in several battles, and can give the Senator others if he desires.

Mr. BRYAN. I would be glad to have them.

Mr. SMITH of Michigan. I will do that in my own time.

Mr. BRYAN. I would be glad to have the list of battles and to have the Senator give them now.

Mr. SMITH of Michigan. I think he was at Five Forks, Waynesboro, Sailors Creek, and Appomattox, and you would hesitate to assail this man's military record if you knew how faithful he was as a soldier. You have not taken the trouble to examine. The truth is you have relied upon this fragmentary report and hypothecated a situation that does not exist at all.

Mr. BRYAN. I have hypothecated no situation at all.

Mr. SMITH of Michigan. You have undertaken to take away from this man any credit due him as a soldier.

Mr. BRYAN. I have—

Mr. SMITH of Michigan. I think the Senator upon reflection will accord this soldier his rightful due.

Mr. BRYAN. I have no doubt that the enlistment of Mr. Angel determined the whole contest.

Mr. SMITH of Michigan. He certainly did—

Mr. BRYAN. If the Senator from Michigan will state upon his responsibility that the surrender at Appomattox was due to the enlistment of Mr. Angel, I will withdraw the amendment I have offered.

Mr. SMITH of Michigan. Just say "in part," and I will agree to it. The surrender at Appomattox was due in part to this soldier and to every other soldier who imperiled his life for the Union.

Mr. BRYAN. I thought the broad, general statement of the Senator from Michigan needed qualification.

Mr. SMITH of Michigan. The statement of the Senator from Florida needs some—

The PRESIDING OFFICER. The Senator from Florida has the floor.

Mr. BRYAN. Whatever may be my merits or demerits, I have only undertaken in a polite, gentlemanly manner to criticize this bill in this particular. Although Mr. Angel by his enlistment in this Cavalry regiment of Michigan Volunteers was the determining factor in that great war, and enlisted from the State of the Senator from Michigan, and although there were none, as the Senator very shrewdly points out, from the State which I have the honor in part to represent fighting upon that side in that war, yet I have conceived that even being from Florida, Mr. President, and not having served in the Union Army, as did Mr. Angel, and perhaps the distinguished Senator from Michigan himself, I have a right to express my convictions upon this or any other question coming before the Senate of the United States.

There is in my nature not the slightest disposition to be even overcritical of the pension roll because of the fact that I happen to come from a Southern State. But being on the Committee on Pensions, not believing it was the best way to try to consider over 3,000 pension bills—I would see only my share of bills and know nothing about the others—and because there I undertook to explain my position and thought it was misunderstood, I came from the committee room of the Committee on Pensions,

and as soon as I could get recognition from the Chair announced that I should speak upon pension legislation.

I do not think I showed any disposition then to fight pension legislation of the kind in which I believe, of the kind in which the leaders of the Union Army believe and have expressed themselves before the Committee on Pensions. They have no patience with the idea of placing the hundred-day men on a parity with the long-term soldiers. But yet a former Congressman, representing the Grand Army of the Republic, had to make this humiliating statement before the committee because it is the truth:

Of course, I think you will all concede, gentlemen, that No. 13 is a little better holdout than No. 11. Of course, I should favor that myself.

Then he proceeds:

There were over 600,000, as I recall—I could refer to it specifically if necessary—that served three months or less—90-day militia. \* \* \* I say to you what I know to be a fact. While many of these men fought, and fought well, the great body of them simply went to man the forts, to release the three-year men that went to the front and did the shooting. That is a fact, gentlemen. Lots of these men never got the polish off their shoes. It is no disparagement to them. They did all they were called upon to do. They wore paper collars and ate soft bread. It was no fault of theirs. Ohio had how many regiments of that kind, Col. McElroy, that never lost a man?

Mr. McElroy. Oh, quite a number of them never saw any fighting and never heard a cannon.

Mr. Gardner. Many of them never fired a gun. I say to you, gentlemen—and I am willing to defend this proposition before any Grand Army gathering in the country—that the man who went to war and served only 90 days and received no permanent disability from wounds or anything resulting from his service is not entitled to rank with the man who served two, three, or four years at the front.

Mr. Gardner, as I understand, was past commander of the Grand Army of the Republic. I understand that he was an officer in the Union Army from the State of Michigan. The Senator from Michigan has no quarrel with me. Let him quarrel with his own former Congressman, a general in the Union Army, a man afterwards elected to the head of the Grand Army of the Republic, who says it is unfair to take these 90-day men or a 47-day man and put them or him on a parity—much less above—the men who served three or four years.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Florida. [Putting the question.] The yeas appear to have it.

Mr. BRYAN. I ask for the yeas and nays.

Mr. MARTINE of New Jersey. Mr. President, what is the proposition?

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 16 it is proposed to strike out all of lines 9, 10, 11, and 12, which read as follows:

The name of Heber Angel, late of Company M, Sixth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The PRESIDING OFFICER. The Senator from Florida asks for the yeas and nays on agreeing to his amendment.

The yeas and nays were not ordered.

The amendment was rejected.

The PRESIDING OFFICER. The bill is as in Committee of the Whole and open to amendment.

Mr. SMITH of Georgia. There is an amendment which has not been considered, which I have offered to the entire bill.

The PRESIDING OFFICER. The Senator now moves that amendment?

Mr. SMITH of Georgia. I move that amendment.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. It is proposed to add, at the end of the bill, the following proviso:

*Provided, however,* That no one of the said special pensions contained in this bill shall be paid to any one of the parties herein named until the Pension Bureau has made investigation and found the said party to whom the same is to be paid did not enter the service in consideration of a bounty or for a payment made to him to serve as a substitute; and

*Provided further,* That no one of the said pensions shall be paid until the examination has been made in the Pension Bureau and it has been found that said party has actually served in the Army or the Navy and was engaged in some battle in connection with said service.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Georgia.

Mr. SHIVELY. Mr. President, if I recall aright, since this bill was reported to the Senate and while it has been pending on the calendar, five of the old soldiers named in it have passed away. Now it is proposed to remit all the cases reported in the bill to the Bureau of Pensions for a special investigation of each case. We might about as well lay the bill on the table as to adopt this amendment. Before such new investigation would be completed the majority of these men will have bidden good night to this world.



The PRESIDING OFFICER. The Senator from Indiana moves to lay the amendment on the table?

Mr. SHIVELY. I do not. I am willing to have a vote taken on the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Georgia [Mr. SMITH].

The amendment was rejected.

Mr. SMITH of Georgia. Mr. President, I have a number of additional amendments that I contemplated submitting, but I am not prepared to say that any of them would appeal to the Senate more than those that have already been submitted, and I am not impressed with the idea that the Senate is impressed with the value of the amendments.

I have stated all along to the Senator from North Dakota that I do not propose to press this fight further than sufficiently far to present the views I have on the subject and the line of thought that is in my mind. That has been pretty well accomplished, and I do not think it worth while to press them, in view of the attitude of the Senate. It seems that only the absent are in favor of the amendments that I have offered; evidently the present are not, and I will not offer any more amendments to strike out particular names, not because I have not prepared them, but, as those that have been presented did not appeal to the Senate, I do not wish to take up the time of the Senate this evening to present the others.

Mr. SHIVELY. Mr. President, as illustrating the tendency toward economy involved in this afternoon's debate on this question, let me observe that the amendment, if adopted, would have saved the United States Government \$144 a year.

Mr. SMITH of Georgia. Mr. President, I want to reply to that.

Mr. McCUMBER. The Senator is mistaken. It would simply save to the Government \$48 a year.

Mr. SHIVELY. Is not this a case in which the increase is from \$12 to \$24?

Mr. McCUMBER. No; the applicant is now receiving \$20 a month under the law of 1907, and this allows him \$24 a month, so that the difference is only \$4 a month.

Mr. SHIVELY. Of course, Mr. President, it can be said that this consideration does not go to the principle involved in special pension bills. I freely admit this contention. On the other hand, those cases have been given a larger measure of examination and scrutiny than has been accorded to them in the discussion this afternoon. The committee avail themselves of all the evidence in each case on file in the Bureau of Pensions, of the history of the soldier's service as disclosed by the records in the War Department, of all additional evidence submitted to the Senate and referred to the committee, and of all additional facts transmitted directly to the committee. True, every member of the committee can not personally scrutinize each item of evidence in each case, nor can the Commissioner of Pensions do so in the cases adjudicated in the Bureau of Pensions. Expert judges of evidence assist in both places. While now and then may appear a case wherein the rate seems excessive, it will usually be found on closer examination that exceptional circumstances in the case justify the rate and that as rigid a rule of care and justice is observed and enforced by the committees of Congress as obtains in the adjudication of cases in the Bureau of Pensions itself.

Mr. SMITH of Georgia. Mr. President, I feel that the criticism of the Senator from Indiana is hardly just. I know he would not intentionally be unjust, but it would be scarcely fair to put us in the attitude of having consumed the time to-day solely with reference to these particular objections. We presented these objections, and found the sentiment of the Senate against them. I do not present the others, and go on with the balance of the bill, taking up many of these claims one by one, because, having measured the sentiment of the Senate, I can expect only adverse action, and I think it would not be proper for me to consume time uselessly. I cease further resistance to the bill, because I feel that the action of the Senate from the vote it has passed amounts to an indication of the view of the Senate on the other amendments that we would have presented. I had quite a large number of them that I had thought to bring to the attention of the Senate. I wish to disclaim the attitude which I would be put in if it was supposed that the time was taken up solely with reference to these two cases.

I cease further resistance, because the Senate has indicated its disagreement with the view I would otherwise continue to urge—

Mr. SHIVELY. Mr. President, it is but justice to the Senator from Georgia to say that I understood that these cases were being pressed simply as typical.

Mr. SMITH of Georgia. That was all.

The PRESIDING OFFICER. If no further amendment be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### SERVICE PENSIONS.

Mr. McCUMBER. I think it is about time to adjourn to-day, and I do not desire to bring up the next pension bill on the calendar, but I do desire to make the general pension bill the unfinished business. For that purpose I will move that the bill be now taken up, and then I will allow the matter to go over until next Monday. So, Mr. President, with that in view, I move that the Senate proceed to the consideration of the bill (H. R. 1) granting a service pension to certain defined veterans of the Civil War and the War with Mexico.

Mr. SMITH of Georgia. I make the point of no quorum.

The PRESIDING OFFICER. The Senator from Georgia makes the point of no quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bourne	Crawford	Kern	Pomerene
Bradley	Cullom	Lodge	Shively
Brandeggee	Cummins	Lorimer	Smith, Ga.
Briggs	Curtis	McCumber	Smoot
Bristow	Dillingham	McLean	Swanson
Brown	Fletcher	Martine, N. J.	Warren
Burnham	Gallinger	Myers	Watson
Burton	Gardner	Oliver	Wetmore
Chilton	Hitchcock	Overman	
Clark, Wyo.	Johnson, Me.	Page	
Crane	Jones	Perkins	

The PRESIDING OFFICER. Forty-one Senators have answered to their names. A quorum is not present.

Mr. SMITH of Georgia. I move that the Senate adjourn.

The PRESIDING OFFICER. The Senator from Georgia moves that the Senate do now adjourn. [Putting the question.] The noes appear to have it. The noes have it, and the Senate declines to adjourn.

Mr. OVERMAN. I appeal to the Senator from North Dakota to let this matter go over, and not to undertake to send for absent Senators.

Mr. McCUMBER. I think probably we can get enough Senators from their offices in the Senate Office Building in a minute or so. If they do not come I certainly shall not seek to protract the session.

Mr. SMOOT. I ask that the names of absent Senators be called.

The PRESIDING OFFICER. The Secretary will call the names of the absentees.

The Secretary called the names of the absent Senators, and Mr. BACON, Mr. BORAH, Mr. BRYAN, Mr. SMITH of Michigan, and Mr. STEPHENSON answered to their names.

Mr. LEA entered the Chamber and answered to his name.

The PRESIDING OFFICER. Forty-seven Senators, a quorum of the Senate, have responded to their names.

Mr. McCUMBER. I now renew my motion.

The PRESIDING OFFICER. The Senator from North Dakota moves that the Senate proceed to the consideration of the bill (H. R. 1) granting a service pension to certain defined veterans of the Civil War and the War with Mexico. The question is on agreeing to the motion of the Senator from North Dakota.

Mr. SMITH of Georgia. Mr. President—

The PRESIDING OFFICER. The motion is not debatable.

Mr. SMITH of Georgia. A question of parliamentary information. Is at this period a motion of that kind in order?

The PRESIDING OFFICER. A motion is in order to take up any bill on the calendar.

Mr. SMITH of Georgia. At any hour during the day?

The PRESIDING OFFICER. Certainly; and if taken up at this hour it makes it the unfinished business.

Mr. CULLOM. If the Senator from North Dakota has the bill up I will move—

The PRESIDING OFFICER. The motion has not yet been put to the Senate. The question is on the motion made by the Senator from North Dakota. [Putting the question.] The ayes appear to have it. The ayes have it, and the motion is agreed to.

Mr. SMITH of Georgia. I call for the yeas and nays on the motion.

The yeas and nays were not ordered.

Mr. SMITH of Georgia. I desire again to make the point of no quorum. I do not think there is a quorum in the Senate now. There was one a moment ago.

The PRESIDING OFFICER. The Senator from Georgia makes the point of no quorum.



Mr. SMITH of Michigan. I make the point of order that that motion is dilatory. The Senate has just determined by a roll call that a quorum is present. No business has been transacted since.

The PRESIDING OFFICER. The Chair thinks that business has been transacted. A motion has been made and put.

Mr. SMITH of Michigan. But it has not been disposed of.

The PRESIDING OFFICER. The motion has been put.

Mr. McCUMBER. The motion was made before the roll call and renewed after it.

The PRESIDING OFFICER. The motion was put and declared carried by the Chair.

Mr. McCUMBER. The motion was pending before the call, and therefore no business has intervened.

The PRESIDING OFFICER. In the opinion of the Chair, the putting and carrying of a motion is business. It has always been so held.

Mr. SMITH of Michigan. Does the Chair hold that that has been done since the last roll call?

The PRESIDING OFFICER. The motion was put; the Chair declared the motion carried, declaring that the ayes had it. The yeas and nays were demanded and refused.

Mr. SMITH of Michigan. I make the point just the same that the present call is dilatory.

The PRESIDING OFFICER. The Chair overrules the point.

Mr. OLIVER. Do I understand the motion that was put is a motion that is still pending? When a motion has been put and the yeas and nays have been called for, is that the transaction of business, under the rule?

The PRESIDING OFFICER. The Chair put the motion and declared the motion carried on a voice vote. The yeas and nays were then demanded. There was not a sufficient number, and the yeas and nays were refused. The bill was then before the Senate, and the Senator from Georgia made the point of order that there was no quorum present.

Mr. OVERMAN. I move that the Senate adjourn.

Mr. OLIVER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from North Carolina moves that the Senate do now adjourn.

Mr. OLIVER. I have the floor, and I do not like to have the floor taken away from me, especially by the Chair.

The PRESIDING OFFICER. The Chair was not aware that he was taking the floor from the Senator from Pennsylvania.

Mr. OLIVER. I make a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Pennsylvania will be in order until the Chair states the point. The Chair was not aware that the Senator from Pennsylvania was still holding the floor. He made a point of order, which the Chair did not think well taken.

Mr. OVERMAN. Will the Senator from Pennsylvania yield to me?

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Mr. OLIVER. I yield the floor.

Mr. OVERMAN. After the ruling the Chair made that the motion of the Senator from North Dakota had carried and that the bill is now the unfinished business, I do not want to have to stay here, and therefore I move that the Senate adjourn.

The PRESIDING OFFICER. The Senator from Pennsylvania is entitled to the floor. The Chair did not understand that he had yielded it.

Mr. OLIVER. My purpose in holding the floor was to make the point. I understand that the call for the yeas and nays and putting the question before the Senate was in the nature of business that had been transacted.

The PRESIDING OFFICER. The demand for the yeas and nays was not seconded, and therefore the declaration of the Chair stands that the motion of the Senator from North Dakota was agreed to.

Mr. OLIVER. Then I was wrong in my point. I understood that the situation was different.

Mr. CLARK of Wyoming. Mr. President, a parliamentary inquiry. I should like to understand the parliamentary status of the bill which has been called up by the Senator from North Dakota.

The PRESIDING OFFICER. The Chair understands that the motion of the Senator from North Dakota prevailed on a viva voce vote and that it was carried. It is now the unfinished business, a call for the yeas and nays not having been seconded.

Mr. OVERMAN. That being my understanding of the case, I move that the Senate adjourn.

The motion was agreed to, and (at 5 o'clock and 54 minutes p. m.) the Senate adjourned until Monday, March 11, 1912, at 2 o'clock p. m.

## HOUSE OF REPRESENTATIVES.

SATURDAY, March 9, 1912.

The House met at 12 o'clock noon and was called to order by Mr. JAMES as Speaker pro tempore.

Rev. Royal A. Simonds, pastor of Trinity Methodist Episcopal Church, Knoxville, Tenn., offered the following prayer:

Almighty God, our heavenly Father, we thank Thee for all the privileges of life. We thank Thee especially on this occasion for our native country. We remember the patriotism of the old Jewish nation and how Jerusalem was so dear to them, and how Palestine became the Holy Land because they lived holy lives upon that soil; and we know very well that it was no more holy land than America can be if we will live holy lives upon our native soil; if we will recognize that this is a chosen land; if we will recognize that Almighty God is our Jehovah and that he leadeth the Nation. We pray Thee, O God, that as Thou didst lead that nation Thou wilt lead ours, and that Thou wilt lead the lawmakers of our Nation, and that Thou wilt bless individually each one of them with wisdom and foresight and caution and discretion. And, O Lord, we would not forget to ask Thee to bless abundantly the homes of Members and their families, some of whom are separated from them. Bless, we pray Thee, the districts from which they come, and keep us by Thy almighty power in Thine almighty hands, which are safe hands for us to rest in; kind hands, the hands of the Christ, in whose name we ask it all. Amen.

The Journal of the proceedings of yesterday was read and approved.

HYDRO-ELECTRIC CO. OF CALIFORNIA (H. DOC. NO. 612).

Mr. RAKER. Mr. Speaker, I ask unanimous consent to print as a House document the briefs, one of the defendant and one of the Government, in the California Hydro-Electric case.

The SPEAKER pro tempore (Mr. JAMES). Is there objection?

Mr. MADDEN. Reserving the right to object, I should like to inquire why is it necessary that briefs prepared by attorneys for corporations should be printed as House documents?

Mr. MANN. The request is to print the briefs both of the Government and of counsel for the defense.

Mr. MADDEN. Why should that be done?

Mr. RAKER. These briefs contain the various acts from the beginning of the Government down to the present time in relation to rights of way over public lands, reserved and unreserved, together with the decisions by the various courts in the West and the Supreme Court of the United States upon that subject. It is desired to print this document, so that the House may have this information before it, not only on the pending bill but on legislation that is now proposed in relation to rights of way and easements determinable and for a certain number of years. It is information that the Government has collected as the result of a great deal of labor and care, and also represents the work of counsel for the defense upon the same subject.

Mr. MADDEN. Does it cover all the decisions in the cases referred to?

Mr. RAKER. It goes into them very fully.

Mr. MADDEN. Are the same decisions duplicated in the brief?

Mr. RAKER. Part of them are. One side claims that the cases decide one way and the other side that the decisions are the other way. It is for the House to determine which is the better legislation.

Mr. MANN. These briefs contain valuable information.

The SPEAKER pro tempore. Is there objection to the request of the gentleman?

There was no objection.

AMERICAN NATIONAL RED CROSS.

The SPEAKER pro tempore laid before the House the following Senate resolution:

*Resolved*, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 4238) to provide for the use of the American National Red Cross in aid of the land and naval forces in time of actual or threatened war.

The SPEAKER pro tempore. If there be no objection, this resolution will be agreed to.

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 83. Joint resolution making appropriations to meet certain contingent expenses of the Senate.



The message also announced that the Senate had passed the following resolution (S. Res. 245):

*Resolved*, That the Secretary notify the House of Representatives that the Senate has elected AUGUSTUS O. BACON, a Senator from the State of Georgia, President of the Senate pro tempore, to hold and exercise the office in the absence of the Vice President on Monday and Tuesday, March 11 and 12, 1912.

#### SENATE JOINT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate joint resolution of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. J. Res. 83. Joint resolution making appropriations to meet certain contingent expenses of the Senate; to the Committee on Appropriations.

#### LAWS RELATING TO THE JUDICIARY.

The SPEAKER pro tempore laid before the House the bill H. R. 19238, an act to amend section 90 of "An act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911," with Senate amendments.

The Senate amendments were read.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MANN. Is the Senate amendment one which involves the expenditure of money and hence is required to be referred to the committee?

Mr. CLAYTON. Mr. Speaker, if the gentleman will permit me, I think not, but I am going to ask unanimous consent to disagree to the Senate amendments and ask for a conference.

Mr. MANN. It seems to me that as it requires an additional court to be held, it will require consideration in Committee of the Whole.

Mr. CLAYTON. My motion now is, if I may have the opportunity to make it, to disagree to the Senate amendments and ask for a conference, and perhaps the amendment may be eliminated altogether in conference.

The SPEAKER pro tempore. The Chair thinks that the point made by the gentleman from Illinois is well taken, and he will refer it to the Committee on the Judiciary, if the gentleman insists on his point.

Mr. MANN. I believe the request of the gentleman from Alabama was for unanimous consent. Here was a bill amending section 90 of the judicial title relating to the holding of court in one State. The Senate added an amendment to that providing for holding a court in another State, which is provided for in an entirely different place in the act. I do not think such an amendment ought to receive any sort of consideration in the House. If the gentleman wishes to disagree to the Senate amendment without asking for a conference, and without intending to agree to a conference, I have no objection. But providing in one section of the law, which relates to the holding of court in one State, provisions entirely apart from that, for holding court in another State, is so objectionable that it ought not to receive very favorable consideration of this body, whatever it has received in another distinguished body.

Mr. CLAYTON. Mr. Speaker, I quite agree with the view taken of this matter by the gentleman from Illinois, but it was with a view of expediting the matter that I had it in mind to ask to disagree and request a conference, thinking that we could get the matter acted upon by both Houses and the bill passed into law earlier than if we let it go to the Judiciary Committee and come back for report.

It was only to expedite the passage in the matter that was in my mind. However, in view of what the gentleman from Illinois [Mr. MANN] has said, I ask unanimous consent now, Mr. Speaker, to disagree to both of the Senate amendments. I may say that the first Senate amendment is wholly unnecessary. It seeks to amend the title of the bill by inserting the words "and for other purposes." Manifestly the title of the bill is sufficient if we disagree to the second Senate amendment. I think it is unnecessary to amend the title even if the House should ultimately agree to the second Senate amendment.

Mr. MANN. Because it would all be an amendment to section 90.

Mr. CLAYTON. Surely. The gentleman is entirely correct. He had happily anticipated what I was about to say, and I thank him for it. I therefore ask unanimous consent to disagree to the Senate amendment.

Mr. MANN. The gentleman does not intend to ask for a conference?

Mr. CLAYTON. No; I do not intend to ask for a conference.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama that the House disagree to the Senate amendment? [After a pause.] The Chair hears none, and it is so ordered.

#### PENSIONS.

The SPEAKER pro tempore. The unfinished business is the bill (H. R. 21230) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war, upon which the previous question has been ordered.

The question is on agreeing to the amendment which the Clerk will report.

The Clerk read as follows:

Page 1, line 8, strike out the word "twenty-four" and insert in lieu thereof the word "thirty."

The question was taken, and the amendment was agreed to.

The SPEAKER pro tempore. The question now is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. RODDENBERRY. Mr. Speaker, I offer the following motion to recommit.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Move to recommit the bill with all amendments, with instructions to the committee to forthwith report to the House the bill so amended that pensions provided for all widows therein be made uniform at \$20 per month and pensions provided for all soldiers therein be made uniform at \$24 per month.

The SPEAKER pro tempore. The question is on agreeing to the motion to recommit, with instructions.

The question was taken, and the motion was rejected.

The SPEAKER pro tempore. The question now is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. RODDENBERRY) there were—ayes 130, noes 4.

Mr. RODDENBERRY. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The Chair sustains the point of order. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, the question will be taken on the passage of the bill, and the Clerk will call the roll.

The question was taken; and there were—yeas 214, nays 38, answered "present" 10, not voting 131, as follows:

#### YEAS—214.

Adair	Esch	Langham	Riordan
Ainey	Estopinal	Lawrence	Roberts, Nev.
Akin, N. Y.	Evans	Lewis	Rodenberg
Alexander	Farr	Lindbergh	Rothermel
Allen	Fergusson	Littlepage	Rouse
Anderson, Minn.	Ferris	Lloyd	Rubey
Anderson, Ohio	Fitzgerald	Lobeck	Rucker, Colo.
Andrus	Floyd, Ark.	Longworth	Rucker, Mo.
Ansberry	Fordney	Loud	Russell
Anthony	Fowler	McCall	Scully
Austin	Francis	McCoy	Sells
Ayres	French	McGillicuddy	Shackelford
Barnhart	Garrett	McKellar	Sharp
Bathrick	Good	McKinley	Sherwood
Bell, Ga.	Gray	McKinney	Simmons
Boehne	Green, Iowa	McLaughlin	Sloan
Booher	Greene, Mass.	McMorrin	Small
Borland	Gregg, Pa.	Madden	Smith, J. M. C.
Bowman	Hamilton, Mich.	Maguire, Nebr.	Smith, N. Y.
Brantley	Hamilton, W. Va.	Malby	Sparkman
Broussard	Hamlin	Mann	Steenerson
Brown	Hammond	Martin, Colo.	Stephens, Cal.
Bulkley	Hanna	Martin, S. Dak.	Stephens, Nebr.
Burke, S. Dak.	Hardwick	Mondell	Sterling
Burke, Wis.	Hartman	Moon, Tenn.	Stevens, Minn.
Butler	Haugen	Morgan	Stone
Byrns, Tenn.	Hawley	Morrison	Sulloway
Campbell	Hay	Morse, Wis.	Sweet
Cannon	Hayden	Moss, Ind.	Switzer
Carter	Hayes	Mott	Talcott, N. Y.
Clark, Fla.	Heald	Murdock	Taylor, Colo.
Claypool	Helgesen	Murray	Taylor, Ohio
Cline	Henry, Conn.	Needham	Thayer
Cooper	Hensley	Neeley	Thistlewood
Crago	Higgins	Nelson	Thomas
Crumacker	Hill	Norris	Tilson
Cullop	Holland	Nye	Towner
Curley	Houston	Padgett	Turnbull
Dalzell	Hughes, N. J.	Patton, Pa.	Tuttle
Danforth	Hughes, W. Va.	Payne	Underhill
Daugherty	Humphrey, Wash.	Pepper	Underwood
Davidson	Humphreys, Miss.	Peters	Volstead
Davis, Minn.	Jackson	Pickett	Warburton
Denver	James	Plumley	Watkins
Dickinson	Kendall	Post	Wedemeyer
Dixon, Ind.	Kennedy	Powers	White
Dodds	Kinkaid, Nebr.	Pray	Willis
Doughton	Kinkaid, N. J.	Prince	Wilson, Pa.
Draper	Knowland	Rainey	Wood, N. J.
Driscoll, D. A.	Konop	Raker	Woods, Iowa
Driscoll, M. E.	Korbly	Rauch	Young, Kans.
Dupre	Lafferty	Redfield	Young, Mich.
Dwight	La Follette	Rees	
Dyer	Lamb	Reilly	



## NAYS—38.

Adamson	Edwards	Howard	Sisson
Bartlett	Ellerbe	Jacoway	Slayden
Beall, Tex.	Faison	Jones	Smith, Tex.
Burgess	Garner	Kitchin	Stedman
Callaway	Godwin, N. C.	Lever	Stephens, Tex.
Candler	Goodwin, Ark.	Mays	Tribble
Clayton	Gregg, Tex.	Moore, Tex.	Wickliffe
Collier	Hardy	Page	Witherspoon
Dent	Harrison, Miss.	Pou	
Dies	Helm	Roddenbery	

## ANSWERED "PRESENT"—10.

Finley	Gallagher	Lee, Ga.	Webb
Fornes	Gillett	Ransdell, La.	
Foster, Ill.	Gould	Stanley	

## NOT VOTING—131.

Aiken, S. C.	Dickson, Miss.	Johnson, Ky.	Porter
Ames	Difenderfer	Johnson, S. C.	Prouty
Ashbrook	Donohoe	Kahn	Pujo
Barchfeld	Doremus	Kent	Randell, Tex.
Bartholdt	Fairchild	Kindred	Reyburn
Bates	Fields	Konig	Richardson
Berger	Flood, Va.	Kopp	Roberts, Mass.
Bingham	Focht	Lafean	Robinson
Blackmon	Foss	Langley	Sabbath
Bradley	Foster, Vt.	Lee, Pa.	Saunders
Browning	Fuller	Legare	Sheppard
Buchanan	Gardner, Mass.	Lenroot	Sherley
Burke, Pa.	Gardner, N. J.	Levy	Sims
Burleson	George	Lindsay	Slomp
Burnett	Glass	Linthicum	Smith, Saml. W.
Byrnes, S. C.	Goeke	Littleton	Smith, Cal.
Calder	Goldfogle	McCreary	Speer
Cantrill	Graham	McDermott	Stack
Carlin	Griest	McGuire, Okla.	Stephens, Miss.
Cary	Gudger	McKenzie	Sulzer
Catlin	Guernsey	Macon	Taggart
Connell	Hamill	Maher	Talbott, Md.
Conry	Harris	Matthews	Taylor, Ala.
Copley	Harrison, N. Y.	Miller	Townsend
Covington	Heflin	Moon, Pa.	Utter
Cox, Ind.	Henry, Tex.	Moore, Pa.	Vreeland
Cox, Ohio	Hinds	Oldfield	Weeks
Cravens	Hobson	Olmsted	Whitacre
Currier	Howell	O'Shaunessy	Wilder
Curry	Howland	Palmer	Wilson, Ill.
Davenport	Hubbard	Parran	Wilson, N. Y.
Davis, W. Va.	Hughes, Ga.	Patten, N. Y.	Young, Tex.
De Forest	Hull		

So the bill was passed.

The Clerk announced the following pairs:

Until further notice:

Mr. HOBSON with Mr. FAIRCHILD.

Mr. SHEPPARD with Mr. BATES.

Mr. OLDFIELD with Mr. BINGHAM.

Mr. GALLAGHER with Mr. FULLER.

Mr. McDERMOTT with Mr. FOSS.

Mr. PALMER with Mr. CALDER.

Mr. BUCHANAN with Mr. LAFEAN.

Mr. STANLEY with Mr. CANNON.

Mr. FIELDS with Mr. LANGLEY.

Mr. FOSTER of Illinois with Mr. KOPP.

Mr. TALBOTT of Maryland with Mr. PARRAN.

Mr. GOULD with Mr. HINDS.

Mr. MACON with Mr. SMITH of California.

Mr. STEPHENS of Mississippi (against) with Mr. SPEER (for the bill).

Mr. WEBB (against) with Mr. MOON of Pennsylvania (in favor).

Mr. FINLEY with Mr. CURRIER.

Mr. BLACKMON (against) with Mr. GRIEST (for the bill).

Mr. O'SHAUNESSY with Mr. MOTT.

Mr. SHERLEY with Mr. GILLETT.

Mr. AIKEN of South Carolina with Mr. AMES.

Mr. ASHBROOK with Mr. BARCHFELD.

Mr. BURLESON with Mr. BARTHOLDT.

Mr. BURNETT with Mr. BROWNING.

Mr. BYRNES of South Carolina with Mr. BURKE of Pennsylvania.

Mr. CANTRILL with Mr. CARY.

Mr. CARLIN with Mr. CATLIN.

Mr. CONNELL with Mr. COPLEY.

Mr. COVINGTON with Mr. CURRY.

Mr. COX of Indiana with Mr. DE FOREST.

Mr. COX of Ohio with Mr. FOSTER of Vermont.

Mr. DAVENPORT with Mr. GARDNER of New Jersey.

Mr. DICKSON of Mississippi with Mr. GARDNER of Massachusetts.

Mr. DONOHUE with Mr. GUERNSEY.

Mr. FLOOD of Virginia with Mr. HARRIS.

Mr. GEORGE with Mr. HOWELL.

Mr. GOEKE with Mr. HOWLAND.

Mr. GOLDFOGLE with Mr. HUBBARD.

Mr. GUDGER with Mr. KAHN.

Mr. HEFLIN with Mr. KENT.

Mr. HENRY of Texas with Mr. LENROOT.

Mr. HUGHES of Georgia with Mr. McCREARY.

Mr. JOHNSON of Kentucky with Mr. McGUIRE of Oklahoma.

Mr. KINDRED with Mr. McKENZIE.

Mr. KONIG with Mr. MATTHEWS.

Mr. LEE of Georgia with Mr. MILLER.

Mr. LEE of Pennsylvania with Mr. PORTER.

Mr. PUJO with Mr. REYBURN.

Mr. SAUNDERS with Mr. ROBERTS of Massachusetts.

Mr. SIMS with Mr. SAMUEL W. SMITH.

Mr. SULZER with Mr. UTTER.

Mr. WHITACRE with Mr. VREELAND.

Mr. WILSON of New York with Mr. WEEKS.

Mr. YOUNG of Texas with Mr. WILDER.

Mr. HULL with Mr. WILSON of Illinois.

Until Monday:

Mr. DIFENDERFER with Mr. FOCHT.

Mr. DAVIS of West Virginia with Mr. PROUTY.

Until Wednesday, March 13:

Mr. HARRISON of New York with Mr. OLMSTED.

Until March 20:

Mr. PATTEN of New York with Mr. MOORE of Pennsylvania.

For the session:

Mr. GLASS with Mr. SLEMP.

Mr. FORNES with Mr. BRADLEY.

Mr. MARTIN of South Dakota. Mr. Speaker, I have a general pair on political questions with the gentleman from Alabama, Mr. RICHARDSON, and I notice that that pair has been reported by the Clerk. I voted aye upon this proposition. I do not think that the gentleman from Alabama desires to be recorded as being paired against it, and therefore I think that pair should not apply to this situation.

The result of the vote was announced as above recorded.

On motion of Mr. HAMILTON of West Virginia, his motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER pro tempore. A quorum being present, further proceedings under the call will be dispensed with, and the Doorkeeper will open the doors.

## SMELTER TRUST IN THE UNITED STATES.

Mr. MARTIN of Colorado. Mr. Speaker, I desire to offer the following privileged resolution of inquiry and move to discharge the committee from its further consideration and move the passage of the resolution.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

## House resolution 419.

*Resolved*, That the Attorney General be, and he is hereby, directed, if not incompatible with the public service, to inform the House whether the Department of Justice has in its possession any information touching the existence of a Smelter Trust in the United States, including the American Smelting & Refining Co.; whether complaint of the existence of a Smelter Trust, or touching the operations of the American Smelting & Refining Co. as the same might be affected by the Sherman antitrust law, has reached the Department of Justice; whether any steps have been taken or are in contemplation to investigate the existence of or prosecute any Smelter Trust; together with copies of any information touching the existence and operations, if any, of such trust.

Mr. MANN. Mr. Speaker, I reserve the point of order.

Mr. MARTIN of Colorado. Mr. Speaker, I wish to offer and have pending an amendment. In line 11 strike out the four words "or are in contemplation." I propose to offer that amendment to the resolution.

The SPEAKER pro tempore. The Chair holds that the amendment will not be in order now. The only question now is whether to discharge the committee from the consideration of the original resolution and consider it.

Mr. MANN. If the gentleman proposes to offer that amendment I shall not insist on the point of order, although that provision in the resolution makes it subject to the point of order.

Mr. MARTIN of Colorado. I withdraw the amendment. Now, I do not care—

Mr. CARLIN. Mr. Speaker, reserving the point of order, I want to inquire of the gentleman if this is on the Discharge Calendar?

Mr. MARTIN of Colorado. No; it is not. It is a privileged resolution of inquiry. I do not understand that this sort of resolution has to be on the Discharge Calendar. It has been in the committee for nearly three weeks.

Mr. CLAYTON. Mr. Speaker, I may say that this resolution is under consideration by a subcommittee of the Committee on the Judiciary; that the Committee on the Judiciary has its next regular meeting on Tuesday next, and then the committee expects a report from the subcommittee on this resolution. Of course, Mr. Speaker, an examination of the resolution which is



proposed will show it is not in proper form and perhaps it had better be considered by the committee than to be adopted in its present form. I do not myself know what view the committee will take of the resolution when it gives it consideration. I merely make these suggestions.

Mr. MARTIN of Colorado. Mr. Speaker, I do not wish to take up the time of the House—

Mr. CLAYTON. Mr. Speaker, I desire to suggest that it is not a privileged resolution. I make the point of order that it is not a privileged resolution.

Mr. MARTIN of Colorado. Mr. Speaker, it is purely a resolution calling for information.

The SPEAKER pro tempore. The Chair thinks the resolution is privileged under Rule XXII, clause 5.

Mr. CLAYTON. It calls for matters in contemplation, which, in effect, is matter of opinion and not facts, and therefore that renders it nonprivileged.

The SPEAKER pro tempore. Under the rule a resolution of inquiry addressed to the head of an executive department must be reported to the House within one week after presentation. Of course that makes it privileged, because it is a resolution of inquiry, and the Chair will hold that the gentleman's motion to discharge the committee is in order.

Mr. MANN. Mr. Speaker, before the Speaker rules permit me to call attention to the uniform rule applying to all of these resolutions that we can only ask for facts and not for opinions. Now, this is a matter of opinion.

Mr. CLAYTON. Yes.

Mr. MANN. It asks whether a prosecution is in contemplation—

Mr. CLAYTON. And that renders it nonprivileged.

Mr. MARTIN of Colorado. Mr. Speaker, I consider that that inquiry calls only for the facts, but I do not stand on that proposition. I move to eliminate that from the resolution, but nevertheless—

Mr. CLAYTON. Mr. Speaker, it was expressly held in the case of a similar resolution which used the language "in contemplation" that the language rendered the resolution nonprivileged.

Mr. MARTIN of Colorado. Mr. Speaker, I can not understand the difference between the words "in contemplation" and the words "under advisement." I attribute the same meaning to those words, and both of those would have to apply to existing facts. If there is under way at this time in the Department of Justice any inquiry with reference to the existence of a Smelter Trust, or any prosecution of the Smelter Trust, that is a fact and not a matter of opinion.

Furthermore, Mr. Speaker, that information is necessary in order to enable me to determine whether I should follow this inquiry any further. There has been some complaint made, both by Congress and by the Department of Justice, in reference to these trust inquiries; that they were trying to anticipate each other; that the Department of Justice was starting suits against trusts when congressional investigations were pending; and that investigations were started against trusts when prosecutions were pending. Now, Mr. Speaker, I do not care to institute an investigation against the Smelter Trust if the Department of Justice is preparing to institute such an investigation or is preparing to institute a prosecution. And that is all I undertake to ascertain when using the words "or are in contemplation" in the resolution.

I want to say, furthermore, Mr. Speaker, if I may be permitted to proceed now, that I do not wish to unduly press this resolution. I do not think that I have unduly pressed it. The resolution itself shows that I introduced it in this House on the 19th of February. I was given a hearing—a brief one—before the Committee on the Judiciary some two weeks ago. At that meeting of the committee the resolution was referred to a subcommittee. I believe the chairman of the subcommittee will bear me out when I say that I told him more than a week ago that if I did not get action on this resolution I was in a position where I would have to move the discharge of the committee and ask action upon the resolution in the House.

Now, Mr. Speaker, gentlemen ought to know whether they want this information or not. I take it for granted that gentlemen here in the House have been reading the public prints and magazines and studying public questions for the past 10 or 12 years and know whether they have ever heard of the existence, the history, and the operations of a Smelter Trust. I assume that gentlemen here know whether they want an inquiry made of the Department of Justice and of the Attorney General of the United States, whether he has any information touching the existence of such a trust, or whether he is preparing to undertake an investigation or prosecution of such an institution. And I ought not to have to consume the time

of the House this morning in order to secure favorable action on the motion to discharge the committee from the consideration of this resolution.

Mr. Speaker, I propose to press a Smelter Trust investigation every day until the gavel falls on the last day of this session of Congress. I want it known by the Smelter Trust that I do not propose to lie down on this proposition. [Applause.]

It has been said that the House is getting tired of investigations and that probably the House at this day would not care to investigate the Smelter Trust, even though the Attorney General had no information concerning the existence of such a trust and was not proposing to conduct any such inquiry or prosecution; but I want to serve notice now, Mr. Speaker, that if the Smelter Trust is not investigated by this Congress it will not be my fault. And, with the time running on toward the close of the session, if I am to get action on it at all, I must get action on it soon.

Now, Mr. Chairman, I am ready to go into the merits of this question whenever it reaches that stage, but I ought not perhaps to put myself in the position of having this resolution voted upon without at least some statement of the facts which caused me to introduce it in this House. But it is a very small matter, and unless I am given some reason why this motion ought not to prevail and this resolution of inquiry be passed, I ought not to be called upon to take the time of the House in presenting an argument as to why the House ought to vote favorably on the motion.

Mr. FITZGERALD. Will the gentleman yield to a question?

Mr. MARTIN of Colorado. I will.

Mr. FITZGERALD. In view of the statement of the gentleman from Alabama that this was now being considered by a subcommittee of the Committee on the Judiciary, and that the matter would probably be considered by the committee next Tuesday, does not the gentleman think he might withhold his motion for the present, until after Tuesday, in order to see what action, if any, will be taken by the committee?

Mr. MARTIN of Colorado. Well, I will say this to the gentleman from New York—

Mr. CLAYTON. Mr. Speaker, in that connection let me say to the gentleman that if I were authorized to tell him of the action of the subcommittee in regard to this resolution, which foreshadows the probable action of the full committee, perhaps the gentleman would be content to let his motion stand in abeyance at this time.

Mr. MARTIN of Colorado. Just a word, then, Mr. Speaker—

Mr. CLAYTON. I can not, without violating the rules of the House, tell the gentleman what has been done in the committee, as he well knows. In justification of the Committee on the Judiciary, with the gentleman's permission, I want to say, Mr. Speaker, that there has not been a committee of this House that has had as much hard work to do at this session as the Committee on the Judiciary. It has had most troublesome legal questions to consider, as the Speaker knows, and as the membership of this House knows, and those who are familiar with the proceedings of that committee know that it is devoting more time to hearings and to the study of legislative propositions of national importance at this session of the House than any other committee. It could not act, Mr. Speaker, on all the matters at once or with the expedition and attention that each Member might want his particular measure to receive, but it has done the best it could. It has devoted its time day after day to the consideration of these matters, and the membership of that committee have had to neglect their other public duties and in many instances their duty on other committees in order to consider matters before this committee. It has been utterly impossible for that committee, with its limited clerical help, with nearly every Member on the majority side of the committee having membership on some other committees, with the diverse duties thus imposed upon him, to give the consideration to all subjects that others might want.

And then again, Mr. Speaker, I have by resolution in this House asked this House to do for the Committee on the Judiciary of this House what the Senate did for the Committee on the Judiciary over there. I have asked for more clerical assistance—one additional clerk. That has been denied me.

The Committee on the Judiciary has done the best it could. Day after day and hour after hour we have sat there patiently and worked. This House has given thousands of dollars to "smelling" committees. You have given a trained corps of experts to help the Committee on Ways and Means, and properly so. You have given experts to the Committee on Appropriations. You have denied any assistance to the Committee on the Judiciary. At the very beginning of this session I called the attention of this House to the enormous work devolved upon



that committee, and the leader of the Republican side in this House said, "You ought to have more clerical assistance." I have gone along and have done the best I could.

It may be that in following the conspicuous example of the gentleman from Colorado [Mr. MARTIN] others may seek to lodge complaints against the Committee on the Judiciary. We are human. I am working every day of my life in that committee.

Mr. MARTIN of Colorado. Mr. Speaker, if the gentleman will just permit me a moment now, I think I can bring this matter to a satisfactory conclusion.

I have not any desire, Mr. Speaker, to take this matter from the Committee on the Judiciary. I want to assure the chairman of the committee and every member on it that I am not intending the slightest reflection whatever upon the distinguished chairman or any of the members of this very able and busy committee, and that I am not suggesting any dereliction of duty, but am proceeding within the rule upon a matter of vital importance to my people. In view of the statements made by the distinguished chairman of the committee, I will withdraw my motion at this time.

The SPEAKER pro tempore. The gentleman withdraws the resolution.

#### REMARKS OF MR. AKIN OF NEW YORK.

Mr. FOSTER of Illinois. Mr. Speaker, I offer a resolution of high privilege.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

#### House resolution 443.

Whereas the speech of Mr. AKIN of New York, printed in the CONGRESSIONAL RECORD of March 7, 1912, contains language improper and in violation of the privilege of debate: Be it

Resolved, That a committee of five Members be appointed to consider the remarks aforesaid and to report thereon to the House within 10 days.

Mr. FOSTER of Illinois. Mr. Speaker, I do not desire at this time to make any remarks upon this resolution for the appointment of this committee, unless some one desires some explanation or to speak.

Mr. BARTLETT. I ask the gentleman from Illinois if he will give us some information about what the remarks are. It is for the House to determine whether they are privileged or not.

Mr. FOSTER of Illinois. I will state, Mr. Speaker—

Mr. BARTLETT. I should like to have the resolution read, in order that the House may know what it is. I will reserve the point of order.

Mr. HUGHES of New Jersey. I make the point that it is too late to make the point of order.

The SPEAKER pro tempore. The Chair holds that the point of order comes too late, as the gentleman had spoken on his resolution.

Mr. BARTLETT. Mr. Speaker, I recognize that the point of order may probably be too late. I did not hear the reading of the resolution and wanted to know whether the language was embraced in it. I have no objection to an investigation of anything that is improper or alleged to be improper, but surely the gentleman ought not to call the previous question and require us to vote in the dark as to whether it is a violation of the rules of the House or require the Speaker to so hold.

Mr. LONGWORTH. I ask unanimous consent that the resolution be again reported.

The SPEAKER pro tempore. If there be no objection the resolution will be again reported.

The resolution was again reported.

Mr. COOPER. Mr. Speaker—

Mr. FOSTER of Illinois. Mr. Speaker, I think I have the floor.

Mr. COOPER. Will the gentleman permit a question?

Mr. FOSTER of Illinois. Yes.

Mr. BARTLETT. Is the motion for the previous question pending?

Mr. FOSTER of Illinois. I will withhold that motion. I want to state, Mr. Speaker, that the language which, in my judgment, is in violation of the rules of this House, is in reference to the President of the United States and a United States Senator. I yield to the gentleman from Wisconsin.

Mr. COOPER. The resolution is for the purpose of appointing a committee to investigate and report, but the preamble recites the fact about which the committee are to investigate. The preamble recites that the language is in violation of the rules, so that all the committee would have to do, if the House decides that that is the fact, is to report.

Mr. FOSTER of Illinois. I will state to the gentleman that this resolution follows exactly the language of the resolution under which the House appointed a committee to investigate the

speech of Mr. Willett, a former Member of this House from the State of New York.

Mr. COOPER. Mr. Speaker, we ought not to follow a bad precedent. In my judgment, this resolution ought simply to authorize the appointment of a committee to investigate and report as to whether or not the language in the speech is proper. I have had no chance to investigate it, and I doubt if any Member of the House has.

And while I might not vote against the resolution calling for the appointment of a committee to investigate and report, I do not think we ought to be called upon here to decide absolutely that the proprieties have been violated, but to let that question be decided by the committee.

Mr. FOSTER of Illinois. I will say that the resolution ought to recite some basis for the investigation, and I think that is all that this resolution does.

Mr. McCALL. I would like to say to the gentleman from Wisconsin that the House is presumed to know what occurs in debate. I do not think the resolution proceeds on the theory that there can be any doubt about the impropriety of the language that is found on page 1397 of the RECORD. I would not have a resolution to decide whether the language is proper or not, but if the preamble is stricken out the committee should be instructed to decide what should be done.

Mr. MANN. Mr. Speaker, I do not remember except as the gentleman from Illinois [Mr. FOSTER] has stated that this follows the language of the resolution in reference to the Willett speech—that is, whether or not it is in the exact language of the Willett resolution. At that time there was a resolution passed and a special committee appointed, of which I was chairman, and that committee reported in favor of striking out the Willett speech from the RECORD. Subsequently another speech was made on the floor of the House by the gentleman from Colorado. I do not remember the exact language of that resolution, but under it a committee, of which I was chairman, was appointed to consider it, and that committee reported back in favor of allowing the remarks to remain in the RECORD, although in both cases it was charged that they were improper under the rule.

Mr. BARTLETT. Mr. Speaker, I would like to ask the gentleman from Illinois if the permanent RECORD is not made up within four days after the temporary RECORD is published?

Mr. MANN. I think the permanent RECORD is made up in 10 days or 2 weeks after.

Mr. BARTLETT. It used to be within four or five days. Mr. Speaker, I do not mean to say that I am opposed to the investigation of this matter by a committee. I think, in fact, I am ready to vote now to strike this language from the RECORD. I do not know whether it was spoken on the floor of the House or was placed in the RECORD under leave to print.

Mr. FOSTER of Illinois. It was done under leave to print.

Mr. BARTLETT. Mr. Speaker, it does not take a committee of one or of five to tell me that this language was improper and ought not be permitted to be printed in the permanent or even the temporary RECORD.

Mr. MANN. And yet I think the orderly procedure would be to have it investigated by a committee.

Mr. BARTLETT. Mr. Speaker, I shall not oppose this proposition to appoint a committee. I will not again read into the RECORD the language contained in the RECORD of March 7. I would not read it again. It is a very serious reflection and criticism upon that great American citizen who now occupies the White House. [Applause.] While I differ with him in politics, and while I propose to vote against him in the election, I wish to say here that I condemn this language; and I will not by silence appear to oppose the appointment of a committee to determine upon the absolute impropriety of any man uttering such language on the floor of the House or by leave to print to write it in the CONGRESSIONAL RECORD. I rose to inquire what the resolution was, as I could not hear it distinctly; not that I was opposed to it. I had not had my attention called to this language. I think the gentleman from Illinois is acting very wisely and in the interest of good order and decency of the House in offering this resolution; and I think if the Members of the House would read the language referred to in this resolution they would almost as one man demand that the language be stricken from the RECORD eo instanti. [Applause.]

Mr. FOSTER of Illinois. Mr. Speaker, I ask for the previous question.

Mr. DALZELL. Mr. Speaker, I would like to ask a question of the gentleman from Illinois. Was this language that is contained in the RECORD, referred to in the resolution, spoken on the floor of the House, or was it put in the RECORD under leave to print?

Mr. FOSTER of Illinois. Under leave to print.



Mr. DALZELL. And not delivered on the floor of the House?  
Mr. FOSTER of Illinois. And not delivered on the floor of the House.

Mr. FITZGERALD. Mr. Speaker, I think the better practice is to have the matter referred to a committee. While I have my own opinion as to the propriety of what has been inserted in the Record, still it is much better to avert the possibility at any time of acting hastily and unjustly in matters of this kind. If the language is improperly placed in the Record, I think it will emphasize the impropriety to have the House act on the report of a committee to which it may be referred.

Mr. FOSTER of Illinois. Mr. Speaker, I ask for the previous question.

The previous question was ordered.

The resolution was agreed to.

#### AGRICULTURE APPROPRIATION BILL.

Mr. LAMB. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 18960, the Agriculture appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the Agriculture appropriation bill, with Mr. BORLAND in the chair.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Modoc National Forest, Cal., \$10,950.

Mr. RAKER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend by striking out, in lines 13 and 14, page 39, the words "ten thousand nine hundred and fifty dollars" and inserting in lieu thereof the words "twelve thousand two hundred and nineteen dollars."

Mr. RAKER. Mr. Chairman, this particular reserve, in the estimate and the amount allowed, in 1911 was granted \$12,219. I desire to call the attention of the committee to the fact that the gross receipts from this forest are as follows: Timber sales, \$1,627.77; timber settlement, \$11.50; grazing \$13,062.13; special use, \$38; making gross receipts of \$14,739.40. I desire to call particular attention to the fact that the grazing receipts alone upon this tract of land are more than we ask to have expended in its administration. Further, for 25 years this particular range, this national forest, has been and is now in my back yard, and one part of it is in the front yard, so that I have been acquainted with it. I have been over it in all its phases and I have been over all its trails and roads, and I know its different conditions. Commencing last year, the stockmen's associations all over my county, four of them—one in Surprise Valley, one in Pitt River Valley, one in Likely, and one in Canby—met and discussed the matter. They sent me resolution after resolution urging that there be another ranger designated for this forest. Those resolutions were taken up with the Forest Department, urging that they give another ranger. We were informed that they did not have the money with which it could be done, and we were not given this ranger, which 500 men belonging to these different organizations had demanded. They knocked at the door of the Department of Forestry and demanded that this other ranger be appointed, because we are paying now more for the privilege of ranging our stock upon this range than it costs for the administration of the range. I have a letter here from the president of the United Association stating to me that, having known this range and having known this country and being unable to get them assistance from the Forest Service, I ought to keep knocking at the doors of the Forest Department or the Congress until this request was granted.

When this forest was started the people gathered in my town, the largest gathering that had ever been there since I was a resident, in over 25 years, and they urged that the forest be established. The agent of the department was there, and it was the unanimous opinion of everybody that the forest be established. We are willing to maintain the forest, we are willing to maintain the ranges and preserve our natural resources and expend our money, but when these stockmen, when these farmers, are all expending their money through the Government for the purpose of protection, for the purpose of having their stock upon the ranges, we ought to be given a sufficient number of men to properly take care of the forest and give the permittees proper consideration.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LAMB. Mr. Chairman, I will repeat here what I have said in substance before along this line, that the money for these different forest reserves is apportioned by the Chief Forester. He knows the conditions, and it is supposed, the authority resting in him, that he has been discharging his duty.

I have said to the gentleman from California [Mr. RAKER] that if he will make a statement such as he has made here to Mr. Graves, very likely he will obtain the relief that he desires. It is not a matter for the committee, because we can not investigate each one of these 159 forests, and say whether \$10,000 shall be apportioned to one and \$12,000 to another. It is a matter of administration, and the Chief Forester has it in hand. We think he has managed it well, and I hope the amendment will not prevail.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The question was taken, and the amendment was rejected.

#### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. RAKER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 19238) to amend section 90 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, disagreed to by the House of Representatives, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CLARK of Wyoming, Mr. NELSON, and Mr. BACON as the conferees on the part of the Senate.

#### AGRICULTURE APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Nebraska National Forest, Nebr., \$4,231: *Provided*, That from the nurseries on said forest the Secretary of Agriculture, under such rules and regulations as he may prescribe, may furnish young trees free, so far as they may be spared, to residents of the territory covered by "An act increasing the area of homesteads in a portion of Nebraska," approved April 28, 1904.

Mr. RAKER. Mr. Chairman, I move to strike out, on page 43, lines 1 and 2, "\$13,049" and insert in lieu thereof "\$19,823." This amount I ask to insert is the same amount that was in the appropriation bill for last year. I ask for a vote.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Sierra National Forest, Cal., \$13,049.

Mr. RAKER. Mr. Chairman, the reporter asked me a question, and I kindly gave him a word, and during that time the next item was inadvertently passed. I will not take up half a minute, and I would like to have unanimous consent to return to lines 15 and 16, page 39.

Mr. LAMB. All right.

The CHAIRMAN. The gentleman from California asks unanimous consent to return to lines 15 and 16, page 39. Is there objection? [After a pause.] The Chair hears none.

Mr. RAKER. I desire to offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend by striking out, in lines 15 and 16, on page 39, "\$5,803" and insert in lieu thereof "\$10,924."

Mr. RAKER. I ask for a vote, Mr. Chairman.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Page 43, lines 1 and 2, strike out the words "thirteen thousand and forty-nine dollars" and insert in lieu thereof the words "nineteen thousand eight hundred and twenty-three dollars."

Mr. MANN. Mr. Chairman, the only reason the gentleman makes his motion is because he considers the action of the House last year more important than the proposed action now, that Congress then knew more about it than we know now.

Mr. RAKER. I would like to answer the gentleman. I feel from my personal knowledge of these forests, having been through them, knowing the conditions and knowing the position of our people, what they have been trying to do and are doing to-day, that we ought to have this increase in these particular ones that I am asking to have amended. I make that statement as to each one of them. The disposition of the committee is against me, having tested it in various forms, and when I have a vote I keep moving to amend on the same question until the question is fully settled. The committee may in their magnanimity consent before we get through to allow these to be amended. I hope they will. What it was last year does not settle the question, but for instance the committee can readily see from the votes heretofore taken and the position of the committee, of which I am not going to complain, that is as to the committee, they are my personal friends, and I admire the gentleman, but they are taking one position and I am taking another, and I think their position is not the one that ought to be taken.

Mr. MANN. The gentleman is not giving any information to the committee. The bill carries an appropriation of \$13,049. It



is very close figuring for this national forest. Now, the gentleman proposes to strike out that and insert \$19,823; very, very close figuring to get down to the difference between \$823 and \$825, and he gets down to the very notch—why not make it \$22.99—but he gives no information on the subject at all to the committee for making the change.

Mr. RAKER. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. RAKER. What information could I give here in five minutes, and what good would it do to stand here and read the information for an hour—

Mr. MANN. Well, the gentleman impugns both the motives and the integrity of the House.

Mr. RAKER. Oh, no; I do not.

Mr. MANN. I have seen gentlemen give information enough in five minutes on the floor of the House to change items in bills repeatedly, and I have frequently seen gentlemen in less than an hour convert the House to the views of the gentleman who was speaking, but I never saw anybody succeed in the House by simply making motions to strike out a few thousand and odd dollars and insert a few thousand and odd dollars and then say, Why, the House is not intelligent enough and competent to see to it, and hence he did not offer any information. I know the gentleman does not want it to go that way, and I gave him the chance to correct it.

Mr. RAKER. The gentleman from Illinois does not mean that, and I hardly think that is the proper way to put it up to me, namely, that the committee, or any one of them, or any Member of the House, has not the intelligence to understand it. It is absolutely the other way. I submitted the matter, as I stated, from my personal knowledge of the Modoc Reserve, and, further than that, because of the petition of the four stock-grazing organizations in my county demanding heretofore an assistant ranger when the appropriation was \$2,000 more than it is now, and now that it has been cut down \$2,000 we will then have another ranger taken out, and the property of these men not given the consideration that it should be given, as there are not enough men now upon the ranges to properly take care of them.

Mr. MANN. That has nothing to do with the gentleman's motion.

Mr. RAKER. He told me that he has done the best he could. He did not believe he could get more appropriation, and therefore he has taken \$300 from each one of the 154 national forests in the West.

The CHAIRMAN. The question is on the amendment of the gentleman from California [Mr. RAKER].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Siskiyou National Forest, Oreg. and Cal., \$13,234.

Mr. RAKER. Mr. Chairman, on page 43, lines 5 and 6, I move to strike out the following words: "Thirteen thousand two hundred and thirty-four" and insert in lieu thereof the words "fifteen thousand and fifteen."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 43, lines 5 and 6, strike out the words "thirteen thousand two hundred and thirty-four" and insert in lieu thereof the words "fifteen thousand and fifteen."

Mr. RAKER. Mr. Chairman, one word. I make the same statement in regard to this as I made in regard to the other, as to the necessity for it, and I hope the committee will see its way clear to allow the same amount it allowed last year and which was necessary for the purposes intended.

Mr. LAMB. That is not explaining anything.

The CHAIRMAN. The question is on the amendment of the gentleman from California [Mr. RAKER].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Sitgreaves National Forest, Ariz., \$15,310.

Mr. RAKER. Mr. Chairman, I move to strike out the last word. I desire to have entered in the Record a letter from the Forest Service, under date of March 4, 1912; also a letter of date of March 2, 1912; also a letter of date of February 29, 1912, in relation to the matters that I have moved to amend in this bill.

The CHAIRMAN. The gentleman from California asks unanimous consent to insert three letters in the Record. Is there objection?

Mr. MANN. Reserving the right to object, I have no objection to the letters being inserted, but if they are important as to this subject why should we not know what the substance of them is?

Mr. RAKER. I have not time to read them. I would like to have them read if I could.

Mr. LEVER. Let me inquire of the gentleman from California if his letter of March 4, 1912, which he desires to insert, is in reference to the appropriations for the national forests in the State of California?

Mr. RAKER. It shows those that were increased and those that were decreased.

Mr. LEVER. The gentleman, I suppose, is willing to admit the fact that the difference in the bill this year and last year, in reference to the forests in California, is only \$500 decrease?

Mr. RAKER. That is the reason I offered these in evidence. I wanted it in the Record so the people of California and this committee could see the facts. They have taken it from some and given it to others. They have taken it from those that I know need it as badly as the others need the increase, but to be fair to the committee and to the public I ask that the whole matter go into the Record.

Mr. MANN. Of course, Mr. Chairman, nobody reads these letters printed in fine type in the Record who has any self-respect, or respect for his eyes, at least. I have no objection to their being printed in the Record, but if it is important matter, why does not the gentleman state in substance what they say?

Mr. RAKER. They relate to matters that have been discussed in regard to the forests of California. One of the things that appears in the letters is that because of the condition of the funds there have been deducted \$300 from each national forest in California, which would amount to about \$56,000. Therefore, they could use that amount—

Mr. MANN. But the gentleman does not want the statement to go as he made it, and therefore I interrupt him. The gentleman stated there had been deducted \$300 to meet the—

Mr. RAKER. Three hundred dollars for each national forest in the West—all the national forests—so that they could use this \$56,000, or thereabouts, in controlling and handling the Appalachian National Forests. I think the committee will agree with me on that.

Mr. LEVER. Will my friend yield to me for one moment?

Mr. RAKER. I yield to my friend.

Mr. LEVER. In the discussion of the bill when last before the House I made the statement, and the chairman of the committee agreed to it, that this bill had not reduced the appropriations in the national forests for the purpose of taking care of the Appalachian new forests that may be created, and I desire to call the attention of the gentleman from California [Mr. RAKER] and of the members of the committee to the fact as brought out in the committee, because the members of the Committee on Agriculture do not desire to mislead anybody.

Mr. RAKER. I am satisfied of that beyond all question.

Mr. LEVER. I call attention to this colloquy and statement, contained on page 339 of the hearings:

Mr. GRAVES. We are considering offers only on the headwaters of navigable streams, and particularly in certain areas which we have designated as being the most important. I do not know whether that particular place you mentioned is in one of our designated areas or not. But we are especially considering the high mountains and more rugged portions of the watersheds of the navigable streams.

The CHAIRMAN. This amount of \$39,644—will you draw that from this Appalachian appropriation?

Mr. GRAVES. That will be drawn from the \$11,000,000 which was provided for purchase.

I based my statement the other day and the chairman of the committee based his statement on that testimony taken before the committee.

Mr. RAKER. Will the gentleman yield right there for a question?

Mr. LEVER. Yes.

Mr. RAKER. I want to say to the gentleman that I had then and have now no intention to impugn the good faith of anybody. I simply wanted to show that in all the national forests there had been a reduction of \$300 apiece, thereby leaving that amount of money less for the administration of the national forests outside of the Appalachian chain.

Mr. LEVER. I will state to the gentleman that I did not think he had any intention to impugn the motives of the members of this committee. I desire simply that this statement shall go in the Record. I will say to my friend further that the reduction of \$300 each from the various national forests does not go, all of it, to this Appalachian forest, but goes to other new forests created in the past fiscal year.

Mr. RAKER. I see.

Mr. MANN. Mr. Chairman, I ask that the gentleman may have five minutes more in order to have that first letter read. It is a short letter.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the time of the gentleman from California [Mr. RAKER] may be extended five minutes. Is there objection? There was no objection.



Mr. RAKER. This is headed "United States Department of Agriculture, Forest Service, Washington," and dated March 4, 1912, and entitled "Memorandum for Judge RAKER." It says:

In order to provide means for the protection and administration of lands acquired under the Weeks law without increasing the total appropriation for the Forest Service, a deduction of \$300 was made in the estimates for general expenses on each of the national forests.

I want to state that I read that same statement into the RECORD day before yesterday. I go on:

And this surplus carried 15 per cent allowed for general administration. Furthermore, it was found after the adoption of the statutory roll for supervisors and rangers that there were many inequalities in the amounts appropriated for the different forests, and a readjustment was made to make the appropriation conform more nearly to the actual needs of the different forests. In doing this the following reductions were made in the appropriations for national forests in California:

Inyo	\$664
Modoc	1,269
Mono	5,121
Sierra	6,774
Siskiyou	1,781
Angeles	6,406
California	98
Cleveland	8,438
Kern	2,880
Santa Barbara	1,887
Sequoia	2,898
Total	38,216

On the other hand, increases have been made in the estimates for national forests in California as follows:

Eldorado	\$1,005
Klamath	8,665
Monterey	1,930
Plumas	5,708
Shasta	6,717
Tahoe	1,530
Trinity	6,370
Lassen	5,794
Total	37,719

You will see by this that the actual difference in the estimates for the California forests between the years 1912 and 1913 is a matter of only about \$500.

Very sincerely, yours,

A. F. POTTER,  
Associate Forester.

Mr. MANN. Then, I understand that while \$300 may have been deducted from each of the national forests, that really does not apply to those in California. In other words, you get just as much as you got before.

Mr. RAKER. I say that they are increased and scattered where they are needed without question, and deducted from the forests that do need it just as badly.

Mr. MANN. I do not know whether they needed it where the amounts were deducted as much as in those cases where they received the increase. The gentleman has not given any information on that subject.

Mr. RAKER. What more information would you have, I would ask the gentleman, concerning the Modoc National Forest, when I have stated plainly that I appealed for the service of another ranger and they could not restore it? And now, when they have reduced it, how can we get another man?

Mr. MANN. There may be no necessity for another ranger there. They have taken it out of that forest and put it into another. Evidently they were of opinion that it would be more needed in the other forest. The gentleman from California must understand that it would be absolutely impossible, out of any Treasury that we could construct and fill, to supply all the demands that could be made if the people were given all that they ask for.

Mr. RAKER. I know; but would not the gentleman concede that in an important forest, where the grazing privileges amount to a good deal more than the administrative expenses, there ought to be enough men to administer the forest thoroughly and give the permittees those rights and protection that they ought to have.

Mr. MANN. I think they ought to have enough in every one of the national forests, and I presume the Forester in making his estimates has endeavored to cover that. I never have known a department of the Government, in making estimates, to proceed on the theory of making them too low.

Mr. LEVER. And that has been the experience of everybody.

Mr. MANN. My observation is that they make them fully up to the requirements.

Mr. HAWLEY. Will the gentleman yield for a question?

Mr. LAMB. Certainly.

Mr. HAWLEY. In this matter of the Modoc National Forest, where there is an apparent decrease of \$1,269, is that a decrease, or is that largely accounted for by the transfer to the statutory roll of some of the rangers or supervisors?

Mr. RAKER. That statutory roll is so indefinite that you can not really get any satisfactory idea about that.

Mr. LAMB. It is too definite, if anything, but that matter of administration is left entirely to the department.

Mr. HAWLEY. I thought the gentleman from California might have looked into this. There may be, in fact, no reduction in the Modoc Forest appropriation if some of the employees were transferred to the statutory roll.

The CHAIRMAN. The gentleman from California [Mr. RAKER] asks unanimous consent to insert in the RECORD a letter of March 2, 1912, and a letter of February 20, 1912, relating to the subject to which he has referred. Is there objection?

There was no objection.

The documents referred to are as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE,  
FOREST SERVICE,  
Washington, March 2, 1912.

HON. JOHN E. RAKER,  
House of Representatives.

DEAR MR. RAKER: In further reference to your letter of February 24 and my reply of February 20:

In connection with the statement of receipts from the Trinity, Shasta, Klamath, and Modoc National Forests which I furnished you, it has occurred to me that you might be interested in the prospects for increased revenues from the national forests of northern California. The Forest Service is endeavoring to bring the receipts from the national forests up to an amount which will make them self-supporting as rapidly as this can be done consistently with conservative, businesslike administration of these public resources. The chief salable resource of the national forests is their timber, and increased revenues must for the present come largely through increased sales of timber.

On the Plumas National Forest, Cal., which was not included in the list concerning which you made inquiry but is located near them, in the northern portion of the State, sufficient timber has been sold to make the receipts more than offset expenditures. The receipts from the Plumas National Forest during the last fiscal year were as follows:

Timber sales	\$31,707.23
Timber settlement	590.57
Timber trespass	12.35
Grazing	6,403.54
Grazing trespass	56.99
Special uses	631.25
Total	39,401.93

The expenditures during the same period, exclusive of the cost of permanent improvements and fighting forest fires, totaled \$37,146.68, leaving a balance of receipts over expenditures of \$2,255.25.

On the Shasta National Forest we have as yet been unable to make the receipts offset expenditures, but there is good prospect that this will be done in the near future. A sale of 182,000,000 feet of timber, having a minimum value of \$409,000, is under negotiation with the Eastern Redwood Co. A second sale of 29,000,000 feet of timber, valued at \$52,975, on this forest is under negotiation with the La Moine Lumber & Trading Co. It is probable that at least the first of these sales will be consummated. This alone will increase the annual receipts from the Shasta by at least \$25,000 and make that forest more than self-supporting.

The advertisement of 120,000,000 feet of timber on the Klamath National Forest, which has been carefully cruised by the forest officers, is now under consideration and will doubtless be authorized as soon as further information on certain features of the tract is secured. The minimum value of this timber is \$146,000, and its sale would go far toward making the Klamath self-supporting.

During the last two years the Forest Service has endeavored to sell a large body of timber tributary to the proposed route of the Humboldt & Eastern Railroad in the Trinity National Forest, at the request of parties interested in the construction of that road. One billion feet of timber was advertised in the early part of 1911, at an initial stumpage price of \$1.50 per 1,000 board feet, or \$1,500,000 for the total amount. The department also agreed to advertise further bodies of timber for purchase from time to time after the removal of the timber on the first area is completed. Thus far it has not been possible to secure a contract for this timber under conditions which sufficiently protect the interests of the public. I am hopeful, however, that it may be possible to sell it within the next two or three years, and thereby insure an income which would add the Trinity to the list of national forests paying a net income over the cost of administration and protection.

Very sincerely, yours,

H. S. GRAVES, Forester.

[Important.]

UNITED STATES DEPARTMENT OF AGRICULTURE,  
FOREST SERVICE,  
Washington, February 29, 1912.

HON. JOHN E. RAKER,  
House of Representatives.

DEAR MR. RAKER: Your letter of February 24 is received. In accordance with your request a copy of my report for the fiscal year ending June 30, 1911, is being sent you to-day under separate cover. The information you desire regarding the stand of timber, appropriations, expenditures, and receipts for the Klamath, Modoc, Shasta, and Trinity National Forests has been incorporated in the inclosed statements.

The estimated stand of timber for all four forests is necessarily rough, since they have been only partially cruised. These estimates are, therefore, subject to revision as more accurate information is obtained. The work of securing accurate estimates of the timber on the national forests is being carried on as rapidly as the funds available and other important work will permit.

I think a word of explanation is necessary to a clear understanding of the items under "Expenditures" in the inclosed statements. The item "Fighting forest fires" represents the amount expended in fighting fires. This does not represent the entire protective work. The whole forest force is organized for participation in protection. I have called the rangers and guards the protective force, although the crews making surveys and timber estimates are really also a part of the protective system. In addition to fire work the officers are engaged in administrative duties, such as supervising timber sales, directing free and special uses, examining claims, investigating trespasses, controlling and regulating grazing, making and supervising improvements, etc.

In comparing the amount of expenditures with the specific appropriation for each forest it should be borne in mind that the expenditures for improvements and fighting forest fires are not paid from such forest appropriation, but from the specific appropriation for improvement of



the national forests and fighting forest fires; that the expense necessary for the general administration of the Forest Service is drawn in amounts not exceeding 10 per cent of the total of all sums appropriated under "General expenses, Forest Service," which includes the appropriations for each national forest; and that under the terms of the appropriation act not to exceed 10 per cent of the amount appropriated for any national forest is available interchangeably for expenditure on any other national forest to meet necessary expenditures that could not be foreseen and provided for at the time the estimates are made.

I shall be very glad to furnish you any further information you may desire in this connection.

Very sincerely, yours,

H. S. GRAVES,  
Forester.

*Klamath National Forest, fiscal year ended June 30, 1911.*

Estimated stand of timber, 18,318,500,000 board feet.

Appropriation (this amount is subject to reduction or increase under the 10 per cent clauses of the appropriation act) \$42,000.00

EXPENDITURES.	
Supervisor	1,950.00
Deputy supervisor	1,366.67
Clerical	1,051.00
Rangers, forest assistants, guards, and other assistants	19,141.29
Traveling expenses	2,088.11
Miscellaneous expenses	5,362.38
Fighting forest fires (this item is paid from the specific appropriations for fighting forest fires and improvement of the national forests)	11,054.00
Improvements (this item is paid from the specific appropriations for fighting forest fires and improvement of the national forests)	3,395.32
Total	45,408.77
RECEIPTS.	
Timber sales	1,570.02
Grazing	2,184.87
Special use	199.06
Gross receipts	3,953.95

*Modoc National Forest, fiscal year ended June 30, 1911.*

Estimated stand of timber, 1,624,000,000 board feet.

Appropriation (this amount is subject to reduction or increase under the 10 per cent clauses of the appropriation act) \$30,890.00

EXPENDITURES.	
Supervisor	1,775.00
Deputy supervisor	1,375.00
Clerical	1,108.34
Rangers, forest assistants, guards, and other assistants	14,815.58
Traveling expenses	1,227.86
Miscellaneous expenses	1,958.32
Fighting forest fires (this item is paid from the specific appropriations for fighting forest fires and improvement of the national forests)	2,113.59
Improvements (this item is paid from the specific appropriations for fighting forest fires and improvement of the national forests)	2,445.00
Total	26,818.69
RECEIPTS.	
Timber sales	1,627.77
Timber settlement	11.50
Grazing	13,062.13
Special use	38.00
Gross receipts	14,739.40

*Trinity National Forest, fiscal year ended June 30, 1911.*

Estimated stand of timber, 13,961,900,000 board feet.

Appropriation (this amount is subject to reduction or increase under the 10 per cent clauses of the appropriation act) \$36,000.00

EXPENDITURES.	
Supervisor	2,433.33
Deputy supervisor	1,775.00
Clerical	1,885.84
Rangers, forest assistants, guards, and other assistants	17,607.83
Traveling expenses	1,512.29
Miscellaneous expenses	6,984.76
Fighting forest fires (this item is paid from the specific appropriations for fighting forest fires and improvement of the national forests)	5,394.65
Improvements (this item is paid from the specific appropriations for fighting forest fires and improvement of the national forests)	3,395.86
Total	39,989.56
RECEIPTS.	
Timber sales	884.36
Timber settlement	314.26
Timber trespass	134.47
Grazing	3,082.25
Special use	162.00
Gross receipts	4,577.34

*Shasta National Forest, fiscal year ended June 30, 1911.*

Estimated stand of timber, 8,796,500,000 board feet.

Appropriation (this amount is subject to reduction or increase under the 10 per cent clauses of the appropriation act) \$38,675.00

EXPENDITURES.	
Supervisor	2,100.00
Deputy supervisor	1,724.72
Clerical	1,245.10
Rangers, forest assistants, guards, and other assistants	22,546.29

Traveling expenses	\$3,744.70
Miscellaneous expenses	8,725.99
Fighting forest fires (this item is paid from the specific appropriations for fighting forest fires and improvement of the national forests)	5,973.59
Improvements (this item is paid from the specific appropriations for fighting forest fires and improvement of the national forests)	3,326.24
Total	40,386.63

RECEIPTS.	
Timber sales	7,385.82
Timber settlement	28.22
Timber trespass	7,092.65
Grazing	2,505.65
Special use	35.75
Gross receipts	17,048.00

Mr. MANN. I think there ought to be some explanation by some one on the committee in reference to this Appalachian Forest. If they have deducted from the other forests an average of \$300 apiece, to be used for the care of the Appalachian Forest, it strikes me that that is not a very happy way of determining what amount should be appropriated. May I ask the gentleman from Oregon, who is on the Appalachian Commission, how far has the Appalachian Forest proceeded?

Mr. HAWLEY. Mr. Chairman, there have been five general areas or tracts in which authorizations for purchases have been made, one in the eastern part of Tennessee, one in the northern part of Georgia, two in the western part of North Carolina, and one on the border between Tennessee and Virginia.

Mr. MANN. How much area do they cover in acreage?

Mr. HAWLEY. The Tennessee tract covers about 79,000 acres, the Georgia tract about 32,000, the North Carolina tracts 21,000 and 18,000 acres, and the Virginia-Tennessee tract some 34,000 acres. These are the figures in round numbers, and make a total of about 184,000.

Mr. MANN. Where do you provide for the care of these forests in this bill?

Mr. LEVER. On page 45.

Mr. HAWLEY. So far as the work of the commission is concerned, that ends when the purchase of the lands has been made. The Department of Justice examines into the titles and sees that safe title is vested in the United States. The lands are then under the control of the Forest Service, in the Department of Agriculture, and appropriations for their administration and maintenance are made as for the other national forests.

Mr. MANN. When will the money be available to purchase these lands?

Mr. HAWLEY. The sum of \$2,000,000 is available for the fiscal year ending the 30th day of June of this year.

Mr. MANN. What will they cost?

Mr. HAWLEY. They vary in price.

Mr. MANN. The total amount.

Mr. HAWLEY. The total amount for the purchases already agreed upon is a little over \$1,002,000, speaking in round numbers.

Mr. HAUGEN. Will the gentleman state the amount paid per acre?

Mr. HAWLEY. The largest tract, 79,000 acres in Tennessee, was purchased at prices varying from \$3.50 to \$3.75 per acre, although \$15 an acre was paid for some 3,500 acres of heavily timbered evergreen land which we thought ought not be cut over, because the mountain slopes now covered would be denuded and the tops of the trees would make a very dangerous accumulation, in which forest fires might start.

Mr. MONDELL. Are these tracts solid and compact, and do they include all lands within the exterior boundaries?

Mr. HAWLEY. There are small areas in some of them, at present under private ownership; for some of these good title can not be guaranteed and others are not suitable for our purposes; but we expect to take over by means of friendly suits all lands that are necessary.

Mr. MANN. How close are these tracts to each other?

Mr. HAWLEY. I think 80 miles would cover the distance between the two farthest apart; they are in one general body where Virginia, Tennessee, North Carolina, and Georgia come close together.

Mr. MANN. Lying off the mountain ranges?

Mr. HAWLEY. Yes; lying on the mountain ranges.

Mr. RAKER. How many tracts are there; two?

Mr. HAWLEY. Five general areas or tracts.

Mr. HAUGEN. How were they purchased?

Mr. HAWLEY. We buy where lands can be assembled in large tracts. These general tracts consist of smaller tracts, some as small as 100 acres, and each smaller area offered by



the owner directly. I submit here the form upon which owners of lands make offers, and also a circular of information:  
(Form 1000)

UNITED STATES DEPARTMENT OF AGRICULTURE,  
FOREST SERVICE.

PROPOSAL FOR SALE OF LAND.

----- (city or town), ----- (street), ----- (State), -----, 191 .  
The FORESTER,  
Forest Service, United States Department of Agriculture,  
Washington, D. C.

DEAR SIR: ----- (I or we), ----- (name, if corporation, "a corporation organized and existing under the laws of the State (or Territory) of -----, having an office and principal place of business at -----", of -----, State of -----, hereby propose to sell to the United States all that certain tract or parcel of land situate, lying, and being in the Township of ----- in ----- County, and State of -----, and (bounded; known) and described as follows: ----- (insert description by metes and bounds, grants, lot numbers, or by bounding by rivers, highways, or other boundaries), containing ----- acres, more or less, and consisting approximately of the following classes of land: (a) Merchantable forest ----- acres; (b) cut-over land ----- acres; (c) brush or burned land ----- acres; (d) abandoned farm land ----- acres.

Said land contains approximately ----- feet b. m. of merchantable timber of the following kinds: ----- (insert kinds in the order of their quantity).

----- (I or we) will sell said land at any time within six months from the date hereof, to the United States for \$----- (insert total for tract or rate per acre); or, if the right is reserved to ----- (me or us) to cut and remove so much of the timber as is merchantable within a period of ----- years from date of sale, and in accordance with such rules and regulations as may be agreed upon at the time of sale, ----- (I or we) will sell for \$----- (insert total for tract or rate per acre); or if the mineral rights are reserved to ----- (me or us), ----- (I or we) will sell for \$----- (insert total for tract or rate per acre).

Said land is free and clear from incumbrances, excepting ----- (if free and clear from incumbrances draw line through "excepting." If not, then insert brief statement of the nature of any and all incumbrances in effect on the date hereof. This should include all manner of bargains, sales, gifts, grants, devises, dowers, rights and titles of dower, uses, taxes, liens, debts, judgments, executions, recognizances, and all other estates, rights, titles, charges, and incumbrances whatsoever).

On the date hereof ----- (I or we) have the right, full power, and lawful authority to grant, bargain, sell, and convey said land. ----- (I or we) hereby grant to the officers of the United States Government unrestricted right and privilege to examine as fully as they may see fit said land and the timber standing thereon, with a view to said purchase, during the period for which this offer is valid.

Very respectfully,

(Signature) -----

NOTE.—If the above offer is made by a corporation, form of signature should be: X Y Z Co., by John Doe, president (or other officer or agent).

(Issued Mar. 27, 1911.)

UNITED STATES DEPARTMENT OF AGRICULTURE,  
FOREST SERVICE.

(Henry S. Graves, Forester.)

Purchase of land under the Weeks law in the Southern Appalachian and White Mountains.

GENERAL INFORMATION.

The act of Congress approved March 1, 1911 (Public. No. 435), created a National Forest Reservation Commission and authorizes the acquisition of lands on the watersheds of navigable streams for the purpose of conserving their navigability. The Secretary of Agriculture is authorized and directed to examine, locate, and recommend to the commission for purchase such lands as in his judgment may be necessary to the regulation of the flow of navigable streams, and he is authorized to purchase, in the name of the United States, such lands as have been approved for purchase by the National Forest Reservation Commission at the price or prices fixed by said commission. The full text of the law is to be found on page 7.

PURPOSE OF THE LAW.

The general purpose of this law is to secure the maintenance of a perpetual growth of forest on the watersheds of navigable streams where such growth will materially aid in preventing floods, in improving low waters, in preventing erosion of steep slopes and the silting up of the river channels, and thereby improve the flow of water for navigation.

INCIDENTAL BENEFITS.

While the improvement of the flow of navigable streams is the fundamental purpose, other benefits incidental in character but nevertheless important will be kept in view. Among these are (1) protection against disastrous erosion of the soil on mountain slopes and against the destruction of the soil and soil cover by forest fires; (2) preservation of water powers, since, like navigation, they depend for their value upon the evenness of stream flow; (3) preservation of the purity and regularity of flow of the mountain streams with a view to their use for the water supply of towns and cities; (4) preservation of a timber supply to meet the needs of the industries of the country; (5) preservation of the beauty and attractiveness of the uplands for the recreation and pleasure of the people.

RESTRICTIONS.

Aside from its application to the watersheds of navigable streams, the law is not restricted to particular regions, except that lands may be purchased only in the States whose legislatures have consented to the acquisition of such lands by the United States for the purpose of preserving the navigability of navigable streams. The States which have passed such legislation and in which purchases are now contemplated are: Maine, New Hampshire, Maryland, Virginia, West Virginia, North Carolina, Tennessee, South Carolina, and Georgia.

The sources of the navigable streams which have their origin in the Rocky Mountains or the mountains nearer the Pacific coast are already to a large extent protected by national forests. The Appalachian Mountains, including the White Mountains, are for the most part without such protection. Because of their altitude, steepness, and lack of

protection they are in a class by themselves in their need for the action authorized under this law.

FIRST EXAMINATIONS TO BE LIMITED TO APPALACHIAN AND WHITE MOUNTAIN REGIONS.

The first lands to be examined for purchase will therefore be in this region. The area needing protection in the Appalachians is very large. It is far larger than can be purchased with the funds appropriated under this law. Much difference exists, however, in the character of the lands in different parts of the region. Mountains are higher, slopes steeper, rainfall heavier, and the soil more easily washed in some sections than in others.

PURCHASES TO BE RECOMMENDED ONLY IN CERTAIN AREAS.

Careful examinations made during the past 10 years in practically all parts of the Appalachian region have proven that the conditions which affect stream flow to an extreme extent are to be found in relatively limited areas. These areas are scattered more or less widely. By careful selection of the tracts it will be possible to do much for the permanent improvement of the watersheds by the purchase of only a part of the mountainous region.

Within these areas not all, and in some cases not a very large proportion, of the land will be needed by the Government for the purpose in view. Just what lands should be purchased will be determined in every case as a result of a careful examination.

PROPOSALS FOR SALE INVITED.

Some of the important areas are already known, and the purpose of this circular is to invite proposals for the sale of lands within them. A list of such areas is to be found on page 4, and a blank form and an official envelope to be used in making proposal for sale accompany this circular. Additional copies of the blank may be had upon application to the Forester, Forest Service, Washington, D. C. The blank should be accurately and fully filled out and mailed, securely sealed in the envelope. If possible, a map showing the boundaries of the tract should be submitted with the proposal for sale. If the proposal is satisfactory, the Secretary of Agriculture will expect the owner to execute to him an option on the land for a reasonable length of time.

CLASSES OF LAND DESIRED.

Lands of the following classes will be considered for purchase when they lie within a designated area: (1) Timbered lands, including both land and timber; or the land with the timber reserved to the owner under rules of cutting to be agreed upon at the time of sale; (2) cut-over or culled lands; (3) brush or burned land not bearing merchantable timber in quantity, but covered with a growth of brush which is useful for watershed protection, and burned land whether covered with young timber growth or not; (4) abandoned farm land, whether remaining cleared or partially covered by timber growth. Good agricultural lands will not be considered.

Where valuable mineral deposits are known to exist, the right to remove such deposits may be reserved to the owner under conditions to be agreed upon, such conditions to be incorporated in the written instrument of conveyance.

Lands lying within the designated areas can not be recommended for purchase unless examination by the United States Geological Survey shows that their control will promote or protect the navigation of streams on whose watersheds they lie.

LANDS CONSIDERED ONLY WHEN OFFERED CHEAP.

Lands proposed at exorbitant prices will not be considered. The holding of land at too high a price in any of the areas will prevent the Government from undertaking purchases within it.

NO RESTRICTION AS TO SIZE OF TRACT.

No limitation is put upon the size of tracts to be proposed for sale. Proposals will be received for small as well as for large tracts within the areas designated, but small tracts can only be examined when they lie adjacent to or near large tracts which are being examined or where the aggregate of all tracts offered for sale is sufficient to justify an examination.

NOT NECESSARY TO SELL THROUGH AN AGENT.

The right of any landowner to deal through an agent is, of course, recognized. The placing of lands in agents' hands, however, is unnecessary, as the owners themselves may deal direct with the Government.

USE OF THE LANDS BY THE GOVERNMENT.

The lands purchased by the Government under this law are to be included in national forests. Such forests will in no way interfere with hunting and fishing within the areas. The laws of the States in which the forests are located will apply as at present, and the forests will be open to anyone and everyone. The use of the forests for all reasonable purposes, including recreation, will be encouraged.

PROCEDURE IN MAKING PURCHASES.

In general the procedure in making purchases will be as follows:

- (1) The filing of proposal for sale of land by the owner or owners.
- (2) Examination of lands. This examination will usually include a careful estimate of whatever timber is standing upon the tract, an estimate of the value of the tract as a whole for the production of timber, and the determination of its importance in regulating the flow of navigable streams.
- (3) Approval of lands for purchase by the National Forest Reservation Commission and the fixing of the purchase price or prices. Approval for purchase is given only after recommendation has been made by the Secretary of Agriculture on the basis of the field examinations.
- (4) Final negotiations with the owner or owners of lands as to terms of sale.
- (5) Examination of title.
- (6) Actual conveyance of the title of the land by the owner to the Government and payment therefor by the Government to the owner.

Mr. HAUGEN. The gentleman does not mean to say that the whole tract was purchased from one party?

Mr. HAWLEY. Oh, no; each individual tract was purchased from one seller.

Mr. MANN. And we have expended \$1,000,000?

Mr. HAWLEY. In round numbers pretty close to it. We have \$2,000,000 available each year for five years.

Mr. MANN. Originally it was \$13,000,000?

Mr. HAWLEY. Eleven millions.

Mr. MANN. You have lost one million.



Mr. LAMB. Mr. Chairman, I think I can answer some of these questions.

Mr. MANN. This Appalachian Forest Reserve is important and interesting matter to all of us.

Mr. MADDEN. Mr. Chairman, I would like to ask the gentleman from Oregon a question. I notice that the gentleman said that the average price was from \$3.50 to \$3.75 per acre on the whole tract. The purchase price of the 184,000 acres, aggregating \$1,002,000, at \$4 an acre would be \$736,000.

Mr. HAWLEY. The gentleman misunderstood my answer in part. I was asked what the largest tract cost per acre, and stated that all but a small portion covered with evergreen forest was purchased at the price of \$3.75 per acre.

Mr. HAUGEN. And the gentleman gave the tract in Tennessee.

Mr. MADDEN. Was it not understood when the legislation was being considered that a great many people owning these lands to be put in the forest reserve lying on the Appalachian and White Mountain Ranges would sell the land at a nominal price of something like 50 cents an acre, and that a good many would donate the land altogether?

Mr. HAWLEY. I know of no such statement.

Mr. MADDEN. It was so stated on the floor of the House.

Mr. HAWLEY. I made no such statement.

Mr. MADDEN. I do not say that the gentleman did, but it was stated that these lands would be turned over to the Government at a nominal price, and in many cases they would be given to the Government. Many of us feared the very thing that has happened would happen.

Mr. AUSTIN. I want to say to the gentleman that no such statement was made by anybody that represented the State of Tennessee.

Mr. MADDEN. I do not know what State they represented.

Mr. MANN. The gentleman from Tennessee could never be accused of giving something for which he could get pay out of the Treasury.

Mr. MADDEN. When they were arguing for this legislation, he did make a statement that the lands would be given to the Government substantially free in many cases. Some of us on the floor feared that when the Government committed itself to the project the price of these lands would go up a good deal higher than they ought to and above their real value. And what I fear now is that you are going to pay a higher price than ought to be paid.

Mr. HAWLEY. We get a statement of the sales of land in the immediate vicinity, actual sales, giving the names of the parties, the areas conveyed, the amounts they paid, with dates of sales, and then we make a thorough investigation; I think in no instance has the Government paid more than a reasonable price.

Mr. MONDELL. What did the gentleman say was the average price per acre paid for these tracts?

Mr. HAWLEY. I have not figured that out. The tracts vary in value.

Mr. MADDEN. According to the aggregate amount paid for the 184,000 acres, they cost \$5.44 per acre.

Mr. LAMB. Mr. Chairman, I insist that the gentlemen are roaming away from the point at issue.

Mr. MADDEN. We are trying to get information upon this matter, if that is roaming off. We ought to have this information that we are asking for, if anybody has it; and if not, we must get it in some other way.

Mr. HAWLEY. Mr. Chairman, I ask unanimous consent to extend my remarks on this matter in the Record.

The CHAIRMAN. The gentleman from Oregon asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

Mr. BEALL of Texas. Mr. Chairman, I ask unanimous consent that the gentleman from Oregon [Mr. HAWLEY] be permitted to continue on the floor for five additional minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BEALL of Texas. I will state to the gentleman from Oregon that the Chief Forester said that the lands they had under consideration to purchase were offered to them for from \$3 to \$5 an acre.

Mr. HAUGEN. Mr. Chairman, I will state in that connection that people who appeared before the committee stated positively that these lands could be bought for little or nothing, at from 50 cents to \$1 an acre, and it appears that those lands which could then be bought at that price are now worth \$10 an acre.

Mr. LEVER. Mr. Chairman, I had the honor to be in charge of the Appalachian bill when it passed the House. What my friend says is true and not true. The statement was made be-

fore the committee that if Congress had acted upon this bill 10 years ago these lands could have been bought for from 50 cents to \$1 an acre. That is true, but land values in the South are going up. I have seen them go up from \$4 an acre in my own community to \$50 an acre within the last 10 years.

Mr. HAUGEN. If Congress had acted 10 years ago the lands that were then worth 50 cents an acre would have been worth \$5 an acre, but inasmuch as Congress did not act, the price stayed at 50 cents an acre. If Congress had not acted in this matter the price would still be 50 cents an acre or less.

Mr. LEVER. I do not think that is the testimony at all.

Mr. BOWMAN. Mr. Chairman, will the gentleman yield?

Mr. HAWLEY. I yield to the gentleman from Pennsylvania.

Mr. BOWMAN. Mr. Chairman, I would like to ask if there is not more or less small timber on the land under discussion?

Mr. HAWLEY. There is. The Tennessee tract will be bought on the basis of its being cut-over land; that is, we buy it as if it was cut over. Part is now cut over and part is to be cut over. But no second cutting will be allowed. The tract in the northern part of Georgia is virgin timber, a great deal of it marketable timber, but at this time it was so far removed from transportation that the price we paid—\$7 an acre—included the land and the timber on that tract.

Mr. BOWMAN. I think gentlemen will agree that the average price is very reasonable for land that has any quantity of timber on it at all, in view of the present price of timberland.

Mr. MANN. But I do not understand that under the bill it is the policy of the Government to buy timber or timbered land.

Mr. HAWLEY. When the Forest Service makes its report it includes an estimate for the value of an acre of that land without the timber. The lands have more or less timber, and some forest cover, under the theory of the bill, is absolutely necessary to make the lands of value. In the Gennett tract, in the northern part of Georgia, there is some good timber on the land. The estimate was made of the value of the timber, such as oak, poplar, or tulip tree, and pine, and hemlock. That estimate entered into the element of price, but the timber being so far removed from the railroad could not be cut for many years, and the danger of forest fire was so great that if we intended to put the law into force in good faith we must take the lands as they were offered at a fair price to protect the watersheds.

Mr. MANN. Of course, land that had timber on it that was so far removed from transportation that it could not be cut and utilized is one thing.

Mr. HAWLEY. That is, at the present time.

Mr. MANN. It is not worth much, so far as that is concerned, but, as I have always understood the theory of the bill, it was the intention to buy the land after the timber was cut off, the ordinary timber that was marketable—that that was to be cut off before the Government obtained control, leaving enough for seed purposes remaining on the land.

Mr. HAWLEY. It is the purpose of the commission to buy cut-over lands as far as available. I am not, of course, giving away the vote of the individual members of the commission, but we take suitable land, which is necessary under the theory on which the act was based, and some of it must necessarily have timber on it.

Mr. HAUGEN. I would like to ask the gentleman how the value of those lands are determined by the commission?

Mr. HAWLEY. The Forest Service sends men expert in soils and lumber to each locality. They make an estimate of the value of the land, together with the unmerchantable growths, and then of the forest cover of the land valuable for lumber, pulp wood, and tan bark, and for all other purposes, and from these elements a price is arrived at.

Mr. HAUGEN. Are expert cruisers and lumbermen employed?

Mr. HAWLEY. Yes. The cruisers and lumber experts are men who have had many years of experience in actual logging and lumbering operations.

In addition to the lumberman's examination, there is in the case of tracts containing valuable timber an estimate made on the basis of the actual measurement of all merchantable trees on a certain percentage of the tract. This is done by running strips across the tract at fixed intervals and tallying all trees of merchantable size by diameter, species, and number of merchantable log lengths. Usually 5 per cent of the area of a tract is actually measured in this way, but in the case of small tracts the percentage is increased in order to insure correct results.

Mr. HAUGEN. Does the commission act entirely on the recommendations and reports made—

Mr. HAWLEY. The Geological Survey makes a report, and in addition to that we have a statement of the actual transactions in the immediate vicinity as to the amount, prices paid, dates of purchases, with names of parties to the sale.



Mr. HAUGEN. Those are improved lands that are sold.

Mr. HAWLEY. Of all the lands. There is a great deal of wild land being transferred.

Mr. HAUGEN. How does it happen that these tracts are all purchased from one seller?

Mr. HAWLEY. They are not purchased from one seller.

Mr. HAUGEN. I understood the gentleman to make that statement.

Mr. HAWLEY. I said each individual tract was offered by one seller, so for the tracts there are at least five sellers, but really the sellers numbered 15. The Little River Lumber Co., who owned a tract of land in eastern Tennessee covering 79,000 acres, wanted to transfer it to the Government in a body, and we bought their entire holding because it was all in line with the purpose of the act and suitable for our purchases.

Mr. HAUGEN. You find it to the advantage of the Government to purchase in large tracts?

Mr. HAWLEY. Yes; where possible. If you will take the records of the commission, you will find that the purchases we have made and the prices we have paid as a rule are lower than other tracts, even those of very considerable quantities.

Mr. MANN. I do not remember just at the moment what has been done about the taxes on the property.

Mr. HAWLEY. You mean taxes that have already accrued.

Mr. MANN. Do the States cede jurisdiction? And is the property exempt from taxation after the Government acquires it?

Mr. HAWLEY. The property is exempt from taxes after the Government acquires it just the same as a national forest.

Mr. MANN. Well, that depends upon what the States have done in reference to it.

Mr. LEVER. All of these States have ceded jurisdiction even before the passage of this act.

Mr. HAWLEY. I knew the gentleman from South Carolina had that information.

Mr. MANN. In the national forests where we cut off timber we pay 25 per cent to the States in lieu of taxation. I take it in the Appalachian forests a good deal of the timber will not be cut off by the Government in many years to come.

Mr. HAWLEY. Some of them will not be lumbered for some years and some will be probably lumbered for some of the valuable wood—maybe poplar or tulip tree—within a short time, because one poplar tree is worth a good deal.

Mr. LEVER. Most of this timber is hardwood.

Mr. BEALL of Texas. Did the commission have any information as to how long the several vendors of this land had owned it prior to the sale?

Mr. HAWLEY. Yes; we had that information.

Mr. BEALL of Texas. There was suspicion that certain thrifty gentlemen in that country might have bought these lands for the purpose of selling them—

Mr. HAWLEY. The commission took into consideration that suspicion.

Mr. BEALL of Texas (continuing). At a fair price to the Government. Has that occurred, in the judgment of the gentleman?

Mr. HAWLEY. So far as that is concerned, sometimes they acquired small additions to their original holdings for the purpose of offering them in one compact body to the commission.

The following document will be of interest:

(Press notice.)

UNITED STATES DEPARTMENT OF AGRICULTURE,  
OFFICE OF THE SECRETARY,  
Washington, D. C., November 7, 1911.

Secretary Wilson announces to-day that hereafter the Department of Agriculture will not examine or recommend for purchase under the Weeks law timberlands upon which options have been secured with a view of selling to the Government at a profit. The department wishes to deal direct with the owners of lands, since this course will result in the payment to the owners of the full value of the land and at the same time make it possible for the Government to secure lands cheaper than through option holders.

The purchase of land through option holders means a lower price for the landowner and a higher price to the Government than is justified by the conditions. This decision to purchase only from the owners means that no action can be taken upon some of the proposals which have been made for the sale of lands; but as the appropriation available is limited to \$2,000,000 per year, there will be no difficulty in selecting from the large amount which is being offered a sufficient acreage to readily consume the entire appropriation as fast as it becomes available.

While the optioning of land in advance of the Government examiners has become an obstacle in certain localities in the South, Secretary Wilson says that, in general, his assistants have made excellent progress in examining and reporting upon lands and in reaching agreements with owners on terms and conditions of sale.

More than 1,800,000 acres have been offered in the southern Appalachians and White Mountains, over 400,000 acres have been examined, and agreements as to price have been reached with the owners for over 100,000 acres.

Four parties of estimators and five expert lumbermen have been busy in the field since the 1st of June securing the necessary information upon which to base reports to the National Forest Reservation Commission, by which all purchases of land must be authorized in accord-

ance with the provisions of the law. Secretary Wilson will ask that a meeting of the commission be called early in December for the purpose of considering some of the reports which are being prepared.

Before making his reports to the commission the Secretary will have reports from the Geological Survey showing whether the control of the lands examined will promote or protect the navigation of the streams on whose watersheds they lie. Only lands that are approved by the Geological Survey will be recommended for purchase.

The agents of the Agricultural Department will continue in the field all winter making examinations of lands offered for purchase. They are especially instructed to negotiate with the owners of small tracts. Much of the land offered for sale is held in tracts of less than 200 acres. It is tracts of this kind which have been optioned by speculators in the past and which the Government now expects to buy direct from the owners.

Mr. BEALL of Texas. I notice in the testimony of the Chief Forester that about 2,000,000 acres have been offered and about 400,000 examined. Do you know whether there is any disposition down there among those people to buy up these lands for the purpose of selling them advantageously to the Government?

Mr. HAWLEY. Well, if there is such a disposition and they have formed combinations, such combinations have not been brought to our notice.

Mr. LAMB. Mr. Chairman, I ask now to make a short statement in behalf of the Committee on Agriculture and to answer some of the questions that have been asked here, and especially to answer the question that was propounded by the gentleman from Illinois [Mr. MANN] to the gentleman from California [Mr. RAKER]. We were careful in interrogating the Forester along these various lines that have been discussed here, and you will see on page 316 the following:

The CHAIRMAN. I observe that some of these appropriations have decreased and some increased. Just give us, briefly, some of the reasons why you had to do this—whether it changes the general result or not.

Mr. GRAVES. We have made a total reduction in the forests here to provide for the administration of this new unit, Santa Rosa Forest, and also to provide for the administration of such forests as may be established in the southern Appalachians and White Mountains. That item is on page 43. We have reduced where we could in the general expenses and increased in some cases where we want to do special work in the examination of timber, estimates of timber, and where we are making large sales, and consequently there will be greater expenses connected with the administration of the sales. The amounts are necessarily going to vary slightly from year to year also, according to the distribution of our year-long men who are on the statutory roll; that is, the distribution of the rangers who are serving on the statutory roll will affect, to some extent, the amount we need for general expenses and for summer rangers, temporary men.

The CHAIRMAN. With regard to this increase for the contemplated Appalachian reservation do you think you can divide up these Appalachian reservations into districts like this? Is that your idea?

Mr. GRAVES. Yes, sir; but the forests have not been purchased yet. So the funds had to be lumped together.

That answers some questions, too.

The CHAIRMAN. I know that. Do you propose to subdivide these forests also?

Mr. GRAVES. Ultimately there will be individual forests, each of which will be estimated for separately.

Mr. LEVER. Would it be possible for you, Mr. Graves, to furnish the committee with a brief outline of the expenditures in each case in this national forest as you have it subdivided?

Mr. GRAVES. The estimates in each forest?

Mr. LEVER. Yes.

Mr. GRAVES. I have them here.

Mr. LEVER. And the purpose of the estimate—how the money is being spent, how the increase comes about, and how the decrease comes about—as compared with last year.

Mr. GRAVES. I have an estimate of the amount itemized for the expenditures.

He did, and I thought I had it here, gentlemen, but it would be too long to read anyhow.

The CHAIRMAN. You showed it to me the other day.

Mr. GRAVES. The reasons will be variable. It will be a slight increase of business or decrease of business—

That answers some of the questions, I will say, of the gentleman from California.

and also, as I say, the business will vary each year according to the running out of timber sales or increase of timber sales or an increase in the amount of reconnaissance, and so on; and also there will be a little shifting according to the distribution of our permanent force.

Mr. LEVER. I had in mind that an antagonistic friend of ours might tax the ingenuity of our chairman if he began to ask specific questions about these specific forests.

You see, my aid-de-camp [Mr. LEVER] is a sort of a prophet.

Mr. GRAVES. I can make a statement of that to go with our estimates.

The CHAIRMAN. Just one word more on that Appalachian business. Was that your idea, Mr. HAWLEY? I thought it was to conserve the watershed so as to protect it in the whole and not go into an extensive system like this.

Mr. HAWLEY. I understood it would have to be administered like any other forest.

Mr. GRAVES. A good deal of the land which will be purchased will doubtless be cut-over land, and it will not be possible for us to make some of those lands self-sustaining from the beginning.

Now, gentlemen, that answers some of these questions and puts the Committee on Agriculture right before this committee. This is a difficult question, and when you come in here with this Appalachian business I tell you frankly we had better cross that bridge when we get to it, and it is going to be a pretty difficult bridge, I think, to cross.



Mr. TAYLOR of Colorado. Are we not crossing that bridge all the time?

Mr. LAMB. We are crossing your bridge, but we have not crossed the other bridge yet.

Mr. Chairman, I ask for a vote.

Mr. AUSTIN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. Debate has been proceeding by unanimous consent. The Clerk will read.

Mr. AUSTIN. Mr. Chairman, I move to strike out the last word. I have no personal knowledge of the purchase of land for the Appalachian Reserve, except the purchase of an 80,000-acre tract in the eastern district of Tennessee, a large portion of which is in the district I represent. I know the gentleman from Illinois [Mr. MANN] will smile.

Mr. BUTLER. We are all going to smile. [Laughter.]

Mr. AUSTIN. He actually laughed. I want to make the prediction that the Government of the United States in 15 or 20 years will have no difficulty, in the event it should desire to part ownership of this property, to sell it at twice the present purchase price. The greatest rainfall region in the United States is in the Appalachian region, and this cut-over land in eastern Tennessee will have a splendid and valuable second growth of timber within the time mentioned by me.

Mr. MADDEN. How soon?

Mr. AUSTIN. Fifteen or twenty years. We all know how the value of hardwood timber land has increased in recent years.

I know of one section in the Appalachian region, in Monroe County, where about eight years ago a party purchased 42,000 acres of land for \$245,000, held it for five years, and sold it for \$750,000.

Mr. BUTLER. Is there any more of it down there?

Mr. AUSTIN. Now, something has been said about the purchase of land for 50 cents and a dollar per acre. That period has long since passed. The owners of those lands have long since realized the value of them. And not only that, but that country is filled with prospective purchasers of timber lands. This 80,000-acre tract of land in Blount and Sevier Counties was purchased about 15 or 20 years ago by practical timber men from Pennsylvania, and the other tract in Monroe County was first purchased by Pennsylvania people and afterwards sold to Pittsburgh people. There are no cheap timber lands anywhere left in the South.

Mr. RAKER. I would like to ask the gentleman whether in the cutting of timber his people simply cut off the ripe and proper timber and leave the balance stand without destroying it?

Mr. AUSTIN. I want to say that investigations have been made of that region by the Geological Survey and the Forestry Branch, and in this case the Appalachian Commission sent a subcommittee to the eastern district composed of the Member from Oregon [Mr. HAWLEY] and the Member from Georgia [Mr. LEE]. I went with those gentlemen on that trip—not all of it, but part of it—and I know they spent a number of days in going over that land and in seeing for themselves the value of the same. The Little River Lumber Co. spent half a million dollars in the construction of a railroad that penetrates this large area of land. There is no grab in its purchase by the Government. The Government in this particular case got full value for every dollar it has invested in it.

Mr. MADDEN. Who gets the railroad? [Laughter.]

Mr. AUSTIN. Well, the Government is not buying railroads at \$3.75 or \$3.80 an acre. [Laughter.] But the company and the Government have the means of entering these lands and controlling and removing the timber, because there is a standard-gauge railroad constructed all through that section. And I want to say that I congratulate the Government and Congress upon the care and caution that were exercised in this particular case, because it has been pending for over a year. And I want also to bear testimony to the fidelity and honesty of the gentleman from Oregon [Mr. HAWLEY] and the gentleman from Georgia [Mr. LEE], who had no other interest to subserve except the interests of the Government in this matter, and any insinuation or reflection in reference to their conduct in connection with this proposition is unfair and unkind, and without excuse. [Applause.]

Mr. MANN. Will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Illinois?

Mr. AUSTIN. Certainly.

Mr. MANN. I do not know whether the gentleman will consider the question an insinuation or not. I have not heard any Member make an insinuation yet. But will the gentleman give us information as to whether this land is now being used for any purpose, whether any of it is herded or grazed upon?

Mr. AUSTIN. The Little River Lumber Co. has a mill at Townsend, Tenn., on part of the lands of this great tract, where they cut from 125,000 to 135,000 feet of hardwood lumber every day.

Mr. MANN. Apart from the cutting of the timber, is the land used for any purpose?

Mr. AUSTIN. Only a small portion of it. The timber has never been removed for the purpose of utilizing this land for any agriculture or other purposes. I expect to see the day when this land can be used advantageously in the cultivation of berries and fruits and in the development of orchards.

Mr. MANN. It ought to be used for that purpose, then.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent that the gentleman be permitted to proceed for five minutes more. I desire to ask him a question.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the time of the gentleman from Tennessee [Mr. AUSTIN] be extended for five minutes. Is there objection?

There was no objection.

Mr. HAUGEN. I would like to ask the gentleman from Tennessee if he contends that the Government bought these lands for the purpose of starting fruit growing and other agricultural activities there?

Mr. AUSTIN. No. I was simply speaking, in answer to the question of the gentleman from Illinois [Mr. MANN], as to what this land could be used for.

Mr. HAUGEN. If these lands can be used for fruit growing, for example, would it not be better to put these lands to some use in that way?

Mr. AUSTIN. The Government has bought this land for the purpose of preserving the water supply of the Appalachian region.

Mr. LEVER. And the bill provides, I may say, that if these lands become more valuable for agricultural purposes the Government shall have the right to open them up for settlement.

Mr. HAUGEN. May I ask the gentleman from Tennessee if some of the timber has been removed?

Mr. AUSTIN. Some of it was cut over some years ago, a considerable number of years ago, and other portions of it have been cut over within very recent years and up to date.

Mr. HAUGEN. Can the gentleman give us any estimate of the amount?

Mr. AUSTIN. A member of the committee from Oregon [Mr. HAWLEY] is in the Chamber at this time, and he can give the gentleman information as to how many acres have been cut over and how many have not been cut over.

Mr. HAUGEN. I would like to ask the gentleman if the Government contemplates buying timberlands in carrying out this project?

Mr. AUSTIN. The gentleman from South Carolina [Mr. LEVER] can furnish that information. I yield for that purpose to the gentleman from South Carolina.

Mr. HAUGEN. I understand the intention was to buy denuded lands and worthless lands and not the timberlands; and the representation was made before the committee when this legislation was under consideration that the lands that were desired could be bought for 50 cents an acre or less, or at least at \$1 an acre. I understand that was the value of the lands there.

Mr. LAMB. When that bill was first proposed it was true that some suitable lands could then have been purchased for one or two or three dollars an acre, but that project ran on for quite a number of years—at least 12 years—as I know from personal knowledge in my service here. Those lands were priced very low at that time and could have been bought at less than half of what they can be bought for now. There has been an advance in their value since that time and money has become cheaper.

Mr. AUSTIN. The value of timberlands has advanced, not only there but in every State in the Union.

Mr. MARTIN of South Dakota. What is the difference in the price of lumber now and then?

Mr. HAUGEN. Mr. Chairman, I am not raising these questions for the purpose of criticizing the department, and certainly not for the purpose of impugning the motives or the conduct of the distinguished gentleman from Oregon [Mr. HAWLEY] or any member of that commission. I have the highest regard for all of those men. They are men of integrity, experience, and good judgment; men whom we can well trust in the performance of this service. But, Mr. Chairman, certain representations were made before the committee which I think had much to do with influencing the committee in favorably reporting that bill.

And, Mr. Chairman, while representations were made that these lands could be purchased at from 50 cents to \$1 an acre,



and that many of the owners would, as stated, be glad to turn them over without any compensation, it seems that we have drifted away from that and into a policy where we are purchasing lands at from \$3 to \$20 an acre or more.

Mr. LEVER. That was 10 or 15 years ago.

Mr. HAUGEN. You passed this bill two or three years ago. Now, it is fair that this House should have information upon the subject, and especially that the Committee on Agriculture should give the information as to what has been done and what is contemplated to do.

Mr. LAMB. The gentleman has had ample opportunity to obtain information in the committee.

Mr. HAUGEN. We are to-day appropriating over \$5,000,000 for the Forest Service, in addition to this \$2,000,000 under the Weeks-Lever Act, all told, about \$7,000,000. As has been said here on the floor, only a few years ago it was stated by the Forester that this service could be made self-supporting inside of five years; that the revenues would equal the expenses of the service. The five years have gone by, and the receipts are about \$2,000,000 and the expenses \$5,000,000, to say nothing about the \$2,000,000 for the purchase of lands. They have full jurisdiction. The grass has been sold, the timber has been cut off, the lumber has been sold, and yet we are at an expense of \$3,000,000 in excess of the \$2,000,000 receipts from those sales and other sources; and as I said I do not bring this up for the purpose of criticizing anyone. I have no quarrel with the Forest Service or anyone connected with that department; but I contend that this is of enough importance that when anybody rises to ask a question for information he should be given a courteous reply and time to answer questions.

Mr. LAMB. Mr. Chairman, I had no idea my colleague on our committee was so eloquent. He might have obtained from the committee all the information he required along this line. There can be no complaint against anybody about this matter, and my friend is the last man who ought to complain, because he has had every opportunity to obtain this information.

Mr. HAUGEN. It was charged that certain ones had questioned the integrity of men who have this matter in charge, and I simply intended to say that I certainly did not say anything to criticize any Member of this House or anybody in the department.

Mr. AUSTIN. The gentleman from Iowa states that he is not here to make an insinuation. I understood him to say that the Appalachian bill received favorable consideration in view of statements made before the committee that this land could be purchased for 50 cents or a dollar an acre, and perhaps some of it given to the Government, and that statement was made in view of a previous statement made by a member of the Appalachian Commission who is a Member of this House, the gentleman from Oregon [Mr. HAWLEY], that the commission had gone ahead and paid \$3.85 an acre, and up to \$15 an acre. It looks as though that was an insinuation of a violation of an agreement under which this measure received favorable consideration.

Mr. HAUGEN. Oh, no; I said nothing about agreements or violations thereof. I said that they had drifted away from that policy, and from what was contemplated under the act.

Mr. FOWLER. Mr. Chairman, I move to strike out the paragraph under consideration.

Mr. LEVER. The gentleman from Illinois misunderstands the parliamentary situation. The Appalachian paragraph is not yet under consideration.

Mr. LAMB. It has not been reached, and all this discussion is premature.

Mr. BUTLER. If we do not quit talking we will never reach it.

The CHAIRMAN. The Clerk will report the paragraph under consideration.

The Clerk read as follows:

Sitgreaves National Forest, Ariz., \$15,310.

Mr. FOWLER. I move to strike out the paragraph under consideration.

The CHAIRMAN. The Clerk will report the motion of the gentleman from Illinois.

The Clerk read as follows:

Strike out lines 7 and 8 on page 43.

Mr. FOWLER. Mr. Chairman, I am very much interested in the preservation of the forests of this country. Past history has shown that vast forests have been destroyed recklessly, and the Government now, in order to preserve our hardwood, is driven to the necessity of establishing forest reserves. I live so far away from these reserves that I am not familiar enough with them to satisfy myself as to what ought to be done with some of the proposed appropriations of this bill.

A very important question arises with reference to the 80,000-acre reserve in eastern Tennessee, a portion of which lies in the

district of the gentleman from that State, Mr. AUSTIN. I am interested in these discussions in various ways. I want to ask that distinguished gentleman, if he will be kind enough to answer me, a few questions in reference to this tract of 80,000 acres of land so that I may be able to get at some of the rest of the tracts in these reservations.

I desire to know if it is the policy of the Government in these reserves to protect anything else except the forests, and if the gentleman from Tennessee, who has served so long in this Chamber and seems to have dealt extensively in this matter, will answer that question I will be glad to have him.

Mr. AUSTIN. The gentleman is mistaken in stating that I have served in this House for so long a period. This is my second term.

Mr. FOWLER. Is that true? That is a long time. [Laughter.]

Mr. BUTLER. Longer than some Members have.

Mr. AUSTIN. It may be long to the gentleman from Illinois, but I am not complaining about the length of service.

Mr. FOWLER. I hope the gentleman's service will be still longer.

Mr. AUSTIN. The agitation of the Appalachian Forest Reserve and legislation along those lines began more than 10 years ago. We succeeded in passing a bill in the Senate, and it lodged in the committee room of the House. After that Congress expired we went back and had a bill passed by the Senate a second time. That was the third stage. Later we had it passed in the House and it failed in the Senate. So the legislation finally became a law during the Sixty-first Congress.

Mr. FOWLER. What was that for; for the preservation of the forests?

Mr. AUSTIN. The forests and the water supply at the head of the navigable rivers.

Mr. FOWLER. The forests or the water supply?

Mr. AUSTIN. Both.

Mr. BARTLETT. Will the gentleman yield?

Mr. FOWLER. As soon as I get this information. I would like to know if in that forest reserve there is any mineral that has been discovered—iron, zinc, or any other mineral?

Mr. AUSTIN. Yes; there is copper in the Appalachian Range—Ducktown, where the Tennessee Copper Co. operates. Ducktown was operated prior to the Civil War. In Carter County there is magnetic iron ore, which has been mined for more than 20 years and made into pig iron at the Embersville Furnace or the Johnson City Furnace. There are quantities of slate, barytes, and zinc through the Appalachian Forest Reserves. There is copper and marble and zinc and iron ore, slate, and barytes.

Mr. MADDEN. And there is sufficient magnetism in the iron ore to draw the money out of the Federal Treasury to buy these lands. [Laughter.]

Mr. AUSTIN. That is what we are here for.

Mr. FOWLER. It seems that there is much magnetism surrounding this whole affair.

Mr. BARTLETT. If the gentleman from Illinois will yield, I want to say that the Appalachian forestry bill was based and passed solely upon the assertion that the Government had the right to exercise control over interstate commerce by preserving the headwaters of the navigable streams. The Judiciary Committee of this House, on a resolution introduced by myself, reported to the House that Congress had no constitutional power to purchase land for the purpose of making forest reserves in the States when it owned no public domain, and the Appalachian forest reserve, as it is called, was not purchased or was not obtained for the exercise of any power to reserve forests in the States, but for the purpose of preserving and maintaining the headwaters of the navigable rivers.

I want to state that I was one of the men from that region that opposed even that view and voted against it.

Mr. TAYLOR of Colorado. Mr. Chairman, I want to ask the gentleman if anybody has instituted any proceeding to test the constitutionality of that bill?

Mr. BARTLETT. I think not, and for the reason, as I understand it—I may be mistaken—the bill that passed Congress did not confer on the commission any power or authority to condemn land, but only by the consent of the State and the consent of the owners of the property to purchase it.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. FOWLER. In a moment. I desire to know, while I am in favor of the preservation of the forests of America as much as any man, I would like to know from some distinguished gentleman under what power of the Constitution they have acted in purchasing this land for the purpose of forest reserves.

Mr. BARTLETT. Mr. Chairman, does the gentleman desire me to answer that question?

Mr. FOWLER. Yes.



Mr. BARTLETT. Mr. Chairman, I desire to state that I thought I had already done so. Congress exercised that power and granted the power in that bill to purchase this property, not for the purpose of a forest reservation, but for the purpose of preserving the navigable rivers of the country. That is all they did. They had no power to purchase it as a forest reservation.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. FOWLER. Mr. Chairman, I ask unanimous consent to proceed for three minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for three minutes. Is there objection? There was no objection.

Mr. MADDEN. Mr. Chairman, will my colleague allow me to ask the question of the gentleman from Georgia?

Mr. FOWLER. Mr. Chairman, I would like to follow my line of inquiry. The distinguished gentleman from Georgia undoubtedly has figured in this forest purchase.

Mr. BARTLETT. No, indeed. I was opposed to it.

Mr. FOWLER. But the gentleman has been here while such has been going on, and I want to ask him by what authority under the Constitution Congress has proceeded in buying these lands for that purpose?

Mr. BARTLETT. It has not bought them for forest reserves. They have dodged the constitutional question, in my opinion—and I do not mean any offense by that—because the Committee on the Judiciary of this House reported that Congress had no constitutional power to buy the land as forest reserves.

Mr. FOWLER. Mr. Chairman, I understand from my distinguished friend from Tennessee [Mr. AUSTIN], who has answered a question just awhile ago, that the Appalachian Reservation was purchased for a forest reservation.

Mr. AUSTIN. I said for both purposes.

Mr. FOWLER. I am trying to get things straightened out, so as to know how to vote. Here is a distinguished gentleman who has been able to get enough money out of the Treasury to buy 80,000 acres of forest reservation, as he says, and here is a distinguished gentleman from Georgia [Mr. BARTLETT], who says there is no constitutional power for that purpose. As a young Member, Mr. Chairman, I am in such a condition that I would like to have an answer from some gentleman who has been here long enough to know what has been the policy of the Government in buying these forest reservations?

Mr. RUBEY. Mr. Chairman, will the gentleman yield?

Mr. FOWLER. Mr. Chairman, I yield to the governor of Missouri.

Mr. RUBEY. Mr. Chairman, I only wanted the gentleman to address me as "the distinguished gentleman," in order that I might get that title.

Mr. FOWLER. I yield to the distinguished governor from Missouri. [Laughter.]

Mr. BUTLER. Mr. Chairman, I want to ask the gentleman a question.

Mr. FOWLER. I yield to the distinguished gentleman from Pennsylvania.

Mr. LAMB rose.

The CHAIRMAN. For what purpose does the gentleman from Virginia rise?

Mr. LAMB. Mr. Chairman, I rise to ask for order in the first place, and in the next place, if the gentleman's time has expired, I desire to move that all debate on this paragraph and all amendments thereto close in five minutes, so that we can get along and do some work.

Mr. BUTLER. Mr. Chairman, I would like to ask the gentleman a question. He has moved to strike out the paragraph with reference to Sitgreaves National Forest, Ariz. I want to know why he does that? I have to vote on this motion of his and I want to know how to vote.

Mr. FOWLER. Mr. Chairman, I can explain very readily that I moved to strike out the paragraph in order to get the floor so that some gentleman here could give me some information relative to these great forest reserves.

The CHAIRMAN. The time of the gentleman from Illinois has expired. The question is on the amendment offered by the gentleman from Illinois.

Mr. FOWLER. Mr. Chairman, I withdraw the amendment.

The CHAIRMAN. Without objection, the amendment of the gentleman from Illinois will be withdrawn, and the Clerk will read.

The Clerk read as follows:

And investigations independently, or in cooperation with other branches of the Federal Government, with States and with individuals, to determine the best methods for the conservative management of forests and forest lands, \$83,728.

Mr. CULLOP. Mr. Chairman, I move to strike out the paragraph. I would like to ask the chairman of the committee where it is proposed now to buy other national forests?

Mr. LAMB. In the Appalachian and White Mountain regions.

Mr. CULLOP. Mr. Chairman, the Appalachian proposition never passed this House for the purpose of constituting national forests, but, as the gentleman from Georgia [Mr. BARTLETT] said, the only authority under the Constitution that could be found for the enactment of that law was to buy up the nude mountains, from which the timber had been cut, for the purpose of letting those mountains grow up with timber, so as to gather the rainfall, produce moisture, and feed the streams of the country, so as to make those navigable that were not navigable, and to keep navigable those that were navigable streams. It was a visionary dream, in the first instance, for the purpose of getting the public money out of the Treasury. It is now proposed by this House to inaugurate a new policy and divert it from the only purpose for which there could be found any constitutional authority for the passage of the law. This proposition has been handed back and forth in the public legislation of the country from time to time until, in the opinion of many, it has served the purpose sufficiently in the exhaustion of public money. Its real purpose should be deprecated, however laudable its ostensible purpose may appear upon a casual observation.

The Government first gave away much of these public lands and let the speculators cut the timber off of them and reap thousands and thousands, yes, millions of dollars' profit and then they come back to the Government and offer to sell the barren land to the Government with a view that some day it would reforest itself and assist in making navigable the streams of this country, or particularly of certain localities. It is a policy that can not be sustained and it is one that the American people ought to condemn. Now, Congress proposes by putting in an appropriation here in an agricultural bill to divert the purpose from the very hazy constitutional one, very hazy, indeed, to an unconstitutional one, conceded I take it by every Member of this House. It is a mere speculation of the landowners; a scheme to dispose of their unprofitable lands after they have taken the profit from them, which in many instances were acquired at nominal prices. In other words, when the citizen has anything to sell to the Government it is very valuable, but when the Government has anything to sell to the public it is of very little value. I insist upon my motion to strike out this paragraph, and I think the gentleman from Georgia [Mr. BARTLETT], who has just given a very lucid explanation of the origin of this legislation and the only basis under the Constitution that it could be based upon, will agree with me that now they ought not to divert the purpose of it and should not be permitted to do so. They want to sell the old hillsides now to the Government at large profits and have it invest the money of the people in them and then wait for generations that they may grow up and protect the ground so that it will hold the moisture to feed the streams of the country. What man can contemplate the period when it will come into use through that operation? The plan is visionary. Its realization is hopeless.

Mr. BARTLETT. May I interrupt the gentleman?

Mr. CULLOP. Certainly.

Mr. BARTLETT. The gentleman is misinformed of the character of the Appalachian forests, because most of that is already timbered. It is not cut-over land, but the greater part of it is in the original forest. Now, I do not mean to say, and I do not want the gentleman to get the impression from my making that statement, that I at any time favored the proposition or approved the idea that the Government of the United States had any constitutional power to use the money of the people to buy within the State where the Government did not have any forest reserve or public-domain property for the purpose of devoting it to a forest reserve.

Mr. CULLOP. I understand the gentleman from Georgia that, while some of these lands have not yet been deforested or the timber cut off on much of them, the lumber speculators, who obtained them from the Government or of private proprietors at practically nothing, and have deforested them, and having no further use for them, propose to unload them on the Government at fancy prices.

Mr. PAGE. Will the gentleman yield?

Mr. CULLOP. Certainly.

Mr. PAGE. No land in that section of the Southern Appalachian Range has ever belonged to the Government, so the gentleman is laboring under a misapprehension.

Mr. BARTLETT. Neither in North Carolina, South Carolina, nor Georgia has the United States ever had any public lands.

Mr. CULLOP. I understand that. They were acquired during the colonial period, but some lands in the Appalachian system were not.

Mr. PAGE. Will the gentleman allow me? The gentleman made the statement that these people obtained these lands from



the Government for small sums. They never obtained them from the Government at all.

Mr. CULLOP. I understand that; but all of these lands are not in North Carolina and Georgia.

Mr. PAGE. South Carolina, Virginia, and Tennessee.

Mr. BARTLETT. All in the same class.

Mr. CULLOP. But there were other lands that belonged in this class embraced in the system, but whether or not they were the proposition is objectionable and the policy can not be defended.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LAMB. Mr. Chairman, I want to say that no gentleman here would buy a farm and turn it out on the common; that no man would buy 1,000 acres of timber and not have somebody on the tract to look after it and prevent depredation. Just so with the United States Government. I am not going to discuss the question of the Appalachian policy at all; but these lands have been bought and these forests must be protected. Now, as to whether you would have minor forestation, as you have now—

Mr. FOWLER. Will the gentleman yield?

Mr. LAMB. Yes.

Mr. FOWLER. I desire to ask the distinguished chairman of this committee if it is not a fact that this Appalachian reservation was purchased by the Government on the theory of the improvement of navigation, and that alone?

Mr. LAMB. Why, certainly.

Mr. FOWLER. Now, under what authority, if that be true, can you make an appropriation in a forest-reserve bill?

Mr. LAMB. I do not think my friend would say that when we have bought this land that we should turn it loose and leave it unprotected. If you did that you would destroy the very idea which has been had in view. You are bound to protect these hillsides and keep them from being destroyed by fire and the depredations of marauders. That is all this proposition is. Somebody has got to look after the interest of the Government's property after the Government has purchased it, and under the Appalachian bill this money appropriated can only purchase these different tracts of land, and then somebody has got to look after the Government's interest.

Mr. BARTLETT. May I ask the gentleman a question?

Mr. LAMB. Yes.

Mr. BARTLETT. I do not understand that this bill in the least proposes to change the statute of 1911, but simply appropriates the money to carry out the purposes embraced in that statute?

Mr. LAMB. That is all.

Mr. BARTLETT. And you use the word "forest" not so much to designate it as a forest reserve, but as an indication of the particular act?

Mr. LEVER. To indicate how much money we are spending for that purpose.

Mr. BARTLETT. You do not change the law, but carry out the law?

Mr. FOWLER. Why do not you make your appropriation under the rivers and harbors bill, then?

Mr. BARTLETT. We have no authority to do so.

Mr. LAMB. The gentleman on the committee who offered this bill and under whose patronage it was passed, as stated, I ask to answer the gentleman.

Mr. LEVER. Mr. Chairman—

Mr. TAYLOR of Colorado. Will the gentleman yield?

Mr. LEVER. I yield to the gentleman from Colorado.

Mr. TAYLOR of Colorado. I want to ask the gentleman, the acting assistant chairman of this committee, how you expect this money to be expended over this new land which you are buying? What is the system of distributing this cash?

Mr. LEVER. The testimony of the officers of the Government before the committee is to the effect that this money will be spent upon the Appalachian reserve about as the money is spent upon the ordinary forest reserves in the West. The very strong probability is that not all of this appropriation here will be used, probably not half of it. It will be used only to the extent of protecting the forest lands that have been bought.

Mr. TAYLOR of Colorado. Have you ever made any appropriation to the Forest Service that has not been consumed?

Mr. LEVER. Oh, yes. We can show here from the figures that the Forest Service turns back into the Treasury each year certain sums of money, and from each forest unit in the Government certain sums of money.

Mr. TAYLOR of Colorado. What I wanted to ask the gentleman from Oregon [Mr. HAWLEY] was, when I was interrupted: Did the committee make any investigation about these lands as to why the price was raised and whether the price is not con-

tinually rising, and also whether or not there are any options on the land that the Government is supposed to buy?

Mr. LEVER. Let me say to my friend that the Committee on Agriculture has absolutely nothing to do with the buying of these lands in the southern Appalachian and the White Mountain region.

Mr. TAYLOR of Colorado. I expected to ask a member of the commission. But you are appropriating money—

Mr. LEVER. The bill which was passed by Congress appropriating \$11,000,000 for the purpose of buying land at the head of navigable streams in the White Mountains and Appalachian Ranges created a commission, and upon it was placed the duty of buying these lands, putting upon these lands the estimates which the commission thought was reasonable, and the Committee on Agriculture has absolutely nothing to do with it except to provide money in this bill with which to protect lands which have been purchased by the commission and which have become the property of the United States.

Mr. HAWLEY. Will the gentleman yield?

Mr. LEVER. I will yield.

Mr. TAYLOR of Colorado. I am not quite through.

Mr. LEVER. Just on that point of which we are speaking. The gentleman from Oregon [Mr. HAWLEY], than whom there is no better or wiser man in this House, is on the commission.

Mr. TAYLOR of Colorado. And I have great respect for the gentleman from Oregon.

Mr. HAWLEY. Is not the appropriation on page 45 for the protection of the lands in the East here on all fours with appropriations made for national forests in any other part of the country?

Mr. LEVER. That is true. We have under the Weeks-Lever law made certain purchases in the southern Appalachian region, property that belongs to the United States, and we have provided here in this bill the means for the protection of that property, and that is all.

Mr. TAYLOR of Colorado. What I want to ask you is this: Has this commission that has purchased this land and spent the money made any report to your committee?

Mr. LEVER. Not at all, because they are not required to report to our committee.

Mr. TAYLOR of Colorado. Has this commission ever reported on it to anybody else?

Mr. HAWLEY. We reported, as the law required, at the beginning of this Congress, to this Congress, and it is a printed document of Congress.

The CHAIRMAN. The question is on the amendment of the gentleman from Indiana [Mr. CULLOP].

Mr. MONDELL. Mr. Chairman, I desire to address myself to the amendment offered by the gentleman from Indiana [Mr. CULLOP], which is now pending. I take it for granted, Mr. Chairman, that the Government must take care of the land it buys in the Appalachian Mountains, without regard to the question of how unwise the purchase may have been. Regardless of that, we shall have to take care of it.

Mr. LAMB. That is the very point I made.

Mr. MONDELL. But let me suggest to the committee that we passed a bill providing ultimately for the expenditure of \$11,000,000 for the use of the commission in the purchase and, I think, for the care of these lands during the period covered by the bill.

Mr. LAMB. No; in that the gentleman is mistaken.

Mr. MONDELL. Well, I think when the bill was pending before the House that was the understanding on the part of the majority of Members of the House.

Mr. McLAUGHLIN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Wyoming yield to the gentleman from Michigan?

Mr. MONDELL. In just a moment. I say, Mr. Chairman, that the appropriation in the bill was intended to cover all the expenses connected with these lands.

Mr. LEVER. It could not be.

Mr. McLAUGHLIN. Mr. Chairman, I have in my hand a copy of the Weeks Act, and section 11 of that act says expressly that these lands, after they are purchased, shall be controlled by appropriations made by the bills presented by the Committee on Agriculture, the same as other national forests are controlled.

Mr. MONDELL. Where does the gentleman find that?

Mr. McLAUGHLIN. In section 11, which says—

That, subject to the provisions of the last preceding section, the lands acquired under this act shall be permanently reserved, held, and administered as national forest lands under the provisions of section 24 of the act approved March 3, 1891 (26 Stats. L., 1103), and acts supplemental to and amendatory thereof.

Mr. MONDELL. There is nothing whatever in that about caring for the lands so purchased. Of course, the cost of the



care and maintenance of these reserves is to come out of that bill.

Mr. LAMB. Let me ask the gentleman a question right there.

Mr. MONDELL. Time flies.

Mr. LAMB. I will give the gentleman additional time.

Mr. MONDELL. Thank you.

Mr. LAMB. We did not pass the pure food and drug act and the insect act, and yet we have to provide money to carry on the administration of those acts.

Mr. MONDELL. Mr. Chairman, I contend that the House understood that the appropriations carried in the Weeks bill were to cover all the expenses incurred during the period during which those expenditures ran. There is nothing in that bill that would convey any other notion than that, and a fair interpretation of that bill would justify the striking out of this paragraph and inserting a provision whereby those expenditures should be paid out of the appropriations contained in the Appalachian appropriation bill.

Now, I want to ask the chairman of the committee a question. Is it or is it not true, as has been stated here, that the Forester has said, or has admitted, that the appropriation carried in this paragraph is made up of small sums clipped from the appropriations for the care of western forest reserves? Is that true?

Mr. LAMB. It is true in one respect, in that he apportioned this money out and made arrangements whereby \$32,000 taken from the general lump sum should be held back for that purpose.

Mr. MONDELL. Now, on what theory can any such action as that be justified? Assuming, for the sake of argument, that these Appalachian reserves should be appropriated for in this bill, upon what theory can you take the moneys needed for the care of western forest reserves and apply them to these other purposes?

Mr. LAMB. It is not needed. Of course the gentleman would not object to the Forester arranging his lump sum when appropriated and having enough left for this purpose?

Mr. MONDELL. Do I understand that the Forester last year had more money than he needed for these reserves by about \$300 per reserve?

Mr. LAMB. No; but can you not cut down your expenses and run a farm one year cheaper than another year?

Mr. MONDELL. Oh, yes; I know that. But you have no right to rob Peter to pay Paul.

Mr. LAMB. I knew the gentleman would quote Scripture before he got through.

Mr. MONDELL. That may be a quotation from Scripture.

Mr. LAMB. It ought to be.

Mr. MONDELL. It is true that there is no justification for taking from the appropriations for the western forests and applying the amount so taken to the Appalachian Forests.

Mr. LAMB. Not directly.

Mr. MONDELL. That is what has been done.

Mr. LAMB. Indirectly. He spares from his lump fund enough to administer these other forests.

Mr. MONDELL. In other words, the western forests are to pay for the administration of eastern forests. That is what is proposed, is it? We want to understand it. All we want is to have a clear understanding in regard to it.

Mr. LEVER. I shall be very glad to try to answer the gentleman's question.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. The chairman of the Committee on Agriculture was kind enough to say he would not object to my having an extension.

Mr. LAMB. I will yield to the gentleman three minutes more.

Mr. MONDELL. I think the chairman of the committee took more than three minutes of my time.

Mr. LAMB. The gentleman wants to cut down on our forests and we will cut down on his speeches. [Laughter.]

Mr. LEVER. In the time of the gentleman from Wyoming I will say that the Forester, in the memorandum furnished to the gentleman from California [Mr. RAKER], says:

A readjustment was made to make the appropriation conform more nearly to the actual needs of the different forests. In doing this the following reductions were made in California.

Then he states the reductions and says that certain other increases were made in California. It is true that the Forester says, in another letter to Judge RAKER, that some money was taken from all of these national forests to take care of the additional forests created during the year. One of these is the Appalachian Reserve. Another is the Ruby National Forest in Nevada, \$3,580. Another is the Santa Rosa Forest in Nevada, \$8,400. So that the Forester has not given it all to the Atlantic seaboard, but he has taken some of this money and put it onto

these additional forests which have been taken in during the past year. Is that explanation satisfactory?

Mr. MONDELL. I am glad the gentleman has admitted it if it is a fact, but I regret the fact that the Forester has seen fit to take from the appropriation for the western forests without any reason therefor except that he needed the money somewhere else.

Mr. LEVER. And he says without hurting the service at all.

Mr. MONDELL. Possibly he did not care to ask Congress for any additional sum.

Mr. LEVER. Congress can not be held responsible for that, of course.

Mr. MONDELL. The Appalachian forests have been provided for by Congress, and I am not quarreling with that action; but if we are to have the Appalachian forests, we certainly should not expect them to be cared for at the expense of the western forests, and the gentleman will agree with me on that.

Mr. LEVER. But if the Forester tells the committee that he can administer the western forests as well as he did before with a reduction of \$300 each, should the committee say nay to a proposition to reduce expenditures in the Government service?

Mr. MONDELL. Certainly not. I am one of those who have been insisting for years that the clerical force of the Forestry Service could be reduced without any damage to the national forests, and I would be the last man on this floor to object to any reasonable reduction in expenses not directly used in caring for the forests.

Mr. LAMB. We reduced the clerical force appropriation \$55,000.

Mr. MONDELL. I understand there was some reduction, and I am glad it was made, but I notice that a greater reduction was made when you came to the matter of permanent improvements; and if there is any appropriation that ought to be increased that is the one.

Mr. LAMB. Let us cross that bridge when we get to it.

Mr. MONDELL. We might tramp over the planks of that bridge a little now. But there is no justification whatever for taking from the appropriation for the western forests a sufficient sum to administer the Appalachian forest simply because they need the money.

Mr. LAMB. We did not do that. What we did was through Mr. Graves's own suggestion. We called him in and asked him what he could administer the forest reserves for. He comes in and says he can do it for this amount we give him, and we could not object, and I do not think the gentleman from Wyoming ought to object.

Mr. MONDELL. We object to taking the money from the western reserves for the purpose of administering the Appalachian forest.

Mr. PAYNE. Mr. Chairman, the gentleman from Wyoming has expressed surprise that we have not got money enough to run the Appalachian Forest Reserve, and having ascertained that, he has expressed surprise that the forestry men in charge have gone after the first dollar in sight that was appropriated for that or any kindred purpose.

I am amazed at the gentleman from Wyoming. I remember, lo, these many years, that the gentleman from Wyoming has been asking for appropriations for irrigating certain arid lands in his section, and Congress was induced to pass legislation appropriating large sums of money for the irrigation of these lands, appropriating all the money that should be received from the sale of public lands. I remember some very solemn promises—of course, I do not want to embarrass the gentleman from Wyoming by saying that he was the author of any of them—that that entire expense was to be reimbursed out of money realized from the sale of these irrigated lands as time went on.

I remember something about grabbing all the money in sight, in addition to the millions received from the irrigated land, and finally, when that was exhausted, some gentlemen appeared before the Committee on Ways and Means in favor of a bonding proposition of \$30,000,000 to procure money to get the irrigated lands out of a hole, and especially to get the people who were induced to go out there by the overzealous agents of the Government, selected from the localities of these lands, to help them out so that they might have irrigation sooner and have work while waiting on irrigation projects.

I remember that the gentleman from Wyoming was particularly eloquent, as he always is when there is an appropriation in sight. [Laughter.] I think if the Appalachian friends could retain him in some way for that range he would get all the money that was necessary for that in addition to getting money for western reserves, as he did for the irrigated lands. He felt so badly that the Ways and Means Committee finally voted a bonding bill for \$20,000,000, but cut out a section or two of



the original act, covering arid lands where there was no water. I do not think that it affected particularly the lands in the gentleman's State, because there was some water somewhere near them, but it cut out the irrigated land where there was not any water.

I remember a good many tears were shed over that. I do not know that the gentleman from Wyoming was interested in that, and I do not remember any tears that he shed on that account. What I was trying to get at is that the gentleman from Wyoming should not be surprised when any project comes up here to see them try to grab money that belongs to something else, and when they get that exhausted to come in and ask us to issue bonds to keep them out of bankruptcy. [Applause.]

Mr. MONDELL. Mr. Chairman, how much time do I have to answer the gentleman's eloquent statement?

The CHAIRMAN. The time of the gentleman from Wyoming had expired when the gentleman from New York arose. The gentleman from New York was proceeding by unanimous consent.

Mr. MONDELL. I think I ought to have three minutes to answer the gentleman from New York.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to proceed for three minutes. Is there objection? There was no objection.

Mr. MONDELL. Mr. Chairman, I do not intend to deny, in fact I could not well deny, the soft impeachment of the gentleman from New York, that when we found we needed more money for irrigation purposes we asked for it. All we asked for was money rusting in the Treasury. But this is a proposition to take money away from another project, which the Forestry Service has insisted heretofore it needed, and use it on another. Have they finally concluded they need the money more in the Appalachians than they do in the Rocky Mountains, and so rob the Rocky Mountains for the benefit of the Appalachians? We are now trying to maintain a good-natured attitude toward the Appalachian Forest Reserves, but I fear that we can not if gentlemen insist on robbing our reserves of proper appropriations in order to appropriate money for the maintenance of the Appalachian Reserves. I notice this, that while you take this money away from our reserves at the rate of 2 cents an acre—for that is all it costs out there, and that is enough—you apply it to the Appalachian Reserves at the rate of 20 cents an acre, so that it is going to cost, right off the bat, 10 times as much per acre to take care of this Appalachian land as it does to take care of the western forest land.

Mr. LAMB. Oh, no; I challenge that statement.

Mr. MONDELL. The gentleman can figure it out for himself—\$34,000 for 155,000 acres.

Mr. LAMB. This money had not been allotted. This money is in reserve, in case they buy this land. Perhaps not one-fourth of this money will be expended.

Mr. MONDELL. It must have been appropriated in view of the amount purchased by the commission, of which my friend from Oregon [Mr. HAWLEY] is a member.

Mr. HAWLEY. Mr. Chairman, in addition to the lands already purchased, there are yet some \$800,000 for the purchase of additional lands, which must be cared for under this item. This item is a tentative item. Next year the Forester will know from actual experience how much to ask for.

Mr. MONDELL. And then it will be much larger.

Mr. HAWLEY. I do not know.

Mr. MONDELL. Have any of the lands that have been purchased been purchased with the understanding that they could be logged by the present owners before title passes to the Government?

Mr. HAWLEY. They have been purchased with this understanding, that title shall pass to the Government immediately, but they shall have the right to log the land under certain conditions.

Mr. MONDELL. So that by the time the Government actually secures the lands, which you purchase, they will have been logged over.

Mr. HAWLEY. We buy them on the basis of logged-over lands.

Mr. MONDELL. And you are paying as high as \$8 an acre for logged-over lands?

Mr. HAWLEY. No; less than \$4 an acre for logged-over land.

Mr. MONDELL. But they are all logged over or will be, will they not?

Mr. HAWLEY. No; not all of them.

Mr. MANN. Mr. Chairman, I understand the amendment of the gentleman from Indiana [Mr. CULLOP] to be to strike out the appropriation for the Appalachian forests. I hope that

amendment will not be agreed to. I was one of those who believed in the creation of the commission for the purchase of the Appalachian and White Mountain forests, and I still believe in those forests, and while it may be true that the prices which we pay for the land are higher than was named by those gentlemen who are enthusiastic for the passage of the bill before it was passed, that is a usual occurrence. No one here was deceived into the belief that much of this land would be purchased at the basis of \$1 an acre or \$2 an acre, although I am glad to learn that one of the main purchases is stated to be on the basis of between \$3 and \$4 an acre. Nor is the gentleman from Wyoming [Mr. MONDELL] correct in thinking that the permanent appropriation was intended to provide for the care of the forests. The law providing for the commission and the purchase of the lands makes a permanent appropriation for several years for the acquirement of the property.

Mr. SIMS. Mr. Chairman, may I ask the gentleman a question?

Mr. MANN. Yes.

Mr. SIMS. I thought the argument was made that we were buying these lands to reforest them and not to deforest them. I understand they are now selling the forest off before they are buying the lands.

Mr. MANN. The gentleman from Tennessee has not his usually very accurate memory on the subject or he would know—

Mr. SIMS. I have a very sad recollection of the success of that scheme.

Mr. MANN. The gentleman from Tennessee has not an accurate memory of the subject or he would know that the bill itself provides for the purchase of land subject to mining claims and subject to the cutting of the timber on them. That was carried in the law itself, and it was the intention for the Government to buy land which would be mainly useful for the raising or culture of trees, but the Government not desiring to buy merchantable timber provided in the law so that merchantable timber might be cut off by the sellers of the land even after the Government had acquired the title, the purpose of the Government being to use land, which otherwise would be practically valueless, for the raising of timber for succeeding generations.

Mr. SIMS. And let me ask if the term "merchantable timber" is not exceedingly flexible? You may sell it from the size of your wrist up to the size of a 5-foot tree, and now we are going to cut it off in order to regrow it.

Mr. MANN. Oh, no; we are going to cut off the merchantable timber on the land, only we were paying less for the land itself upon which we propose to raise merchantable timber in the future. The absolute truth, which no one will deny, is that no one in this country as a private individual can afford to raise forest trees upon this land and protect it from fire, and that the only way it can be done is through governmental aid.

Mr. FOWLER. Mr. Chairman, will the gentleman yield?

Mr. MANN. I yield.

Mr. FOWLER. I want to ask the gentleman if any of these forests have been established yet?

Mr. MANN. Well, in one sense they have been and in one sense they have not. The commission is going to purchase four tracts of land, but the purchase has not been concluded.

Mr. FOWLER. And do not they give the owners of this land 10 years to cut off the timber after title has been conveyed to the United States?

Mr. MANN. Well, I do not know how long a time they give, but they are permitted to give under the law which is here—if the gentleman will read section 9 he will see how it is covered.

Mr. FOWLER. I have just read it, but what I am getting after, if the gentleman will be kind enough, is I want to know what use this \$32,000 could be made of here if it is true that 10 years are given to the owners of the land in which to cut off the timber?

Mr. LAMB. I can explain that.

Mr. MANN. The gentleman can explain it in his own time. I do not know how much of this \$32,000 ought to be used. I regret myself that the Forester has seen fit to increase this amount or any other amount by reducing the amount for other national forests, if that is necessary. I do not think anyone would have made a reduction of \$300 for each national forest now upon any basis excepting an arbitrary one. We are going to acquire this land in this southern Appalachian Range and the White Mountains Range for the real purpose which I have indicated; the theoretical purpose is for the protection of the waters in the navigable streams. That was because certain gentlemen had certain constitutional scruples, which did not bother me, because I thought we had the power under the general authority of the Government to buy the land, and therefore



it was argued this was to be for the protection of watersheds and water; and then, as time goes on, for large quantities of lands on the mountain tops, where the people can not afford to protect the growth of trees there either from fire or marauders, it is the duty of the General Government to make provision, so that those who come after us may have some timber and forest for use, as we have enjoyed the bounties of nature which were left to us from those who preceded us.

Mr. BARTLETT. Mr. Chairman, just one word. Mr. Chairman, I hope the motion to strike out this provision will not prevail, and I think I can with as much grace as anyone express that hope, because at no time prior to the acquisition of this Appalachian region and the White Mountain region had I been an advocate of the proposed purchase. I first objected to it when there was a bill which in plain terms and words proposed that Congress should acquire this Appalachian and White Mountain forest country for the purpose of making a forest reserve, and I opposed it because I did not believe that Congress had the constitutional power or right or, if it did have the constitutional power and right, that it was a proper governmental policy that the Government of the United States should go into those States where it owned no public domain and acquire, either by purchase or condemnation, the forests of those States and use them for forest reserves, and I planted myself on the ground that Congress had no constitutional power to make such an acquisition, and I was sustained in that view by the unanimous report of the Judiciary Committee of this House, which passed upon resolutions submitted to them by the House, and I was further sustained in the contention afterwards by a decision of the Supreme Court of the United States in the case of Colorado against Kansas. But that has all passed beyond the domain of discussion here. Congress saw fit to pass that bill under the exercise of the authority we call the commerce power in the Constitution, "to regulate commerce between the States and foreign nations and Indian tribes," the power it has exercised to deepen or to widen or to improve the navigable streams of this country, claiming that as you might go down to the mouth of a stream and remove an obstruction in order to make the river navigable you could make the whole river navigable, and therefore they had the right to preserve the head waters of those streams by preserving the forests. And it was shown that the denudation of the forests of this region and the careless way of cutting the timber and destroying it and permitting it to be burned aided in the clogging of the rivers not only at their heads but all the way down.

The evidence from men who had experience and knowledge was before the committee, which I heard, when this resolution was investigated. The investigation showed that navigable streams were impeded and clogged by reason of the fact that forests were being denuded and wasted. I did not agree with the view of those who were as wise as I am, and probably wiser. But they decided, against my vote, to buy this property, and, having embarked upon that policy, it becomes the duty of Congress to take care of it and preserve the property that we have bought and for which we have spent many thousands of dollars and for which we will spend millions more. It is just as much our duty to preserve it as if we had purchased land and erected a building thereon, where we would be under obligations to take care of it and preserve it for the purpose for which Representatives in Congress purchased it. And, therefore, I have no hesitancy in voting for this appropriation.

Mr. LAMB. Mr. Chairman, I move to close debate on this paragraph.

Mr. FOWLER. Mr. Chairman, I am anxious to vote for this measure if it is a good one—

Mr. BARTLETT. I yield.

Mr. FOWLER. But I want to ask the gentleman a question.

Mr. BARTLETT. I yield.

Mr. FOWLER. Is it not a fact that no forest reservations have yet been opened upon this land?

Mr. BARTLETT. I know it to be a fact that it has been agreed that quite a quantity of the land is to be purchased by the commission to be—

Mr. FOWLER. Is it not a fact that the Government is giving the owners of the land 10 years to cut the timber off now?

Mr. LAMB. I know that question better than my friend does.

Mr. BARTLETT. Permit me to say—

The CHAIRMAN. The time of the gentleman from Georgia [Mr. BARTLETT] has expired.

Mr. FOWLER. Mr. Chairman, I ask unanimous consent that the gentleman have three minutes more.

Mr. BARTLETT. I want only a minute.

Mr. FOWLER. I want this information—

Mr. BARTLETT. The gentleman can get his own time.

I believe, knowing the character of the men who have been appointed to carry out that law, that its provisions have been complied with to the letter.

Mr. SIMS and Mr. FOWLER rose.

The CHAIRMAN. The Chair will recognize the gentleman from Tennessee [Mr. Sims].

Mr. SIMS. I do not know specifically what the motion is, but I suppose it is to strike out any money to carry out the provision of a bad law.

Mr. LAMB. The motion is to strike out all of this paragraph appropriating money for the use of these forests.

Mr. SIMS. To buy more land?

Mr. LAMB. You have got that all wrong. This is to take care of the forests.

Mr. SIMS. I mean the Appalachian forests.

Mr. LAMB. Yes.

Mr. SIMS. Mr. Chairman, that matter was contemplated here for years and years, and the great and stalwart man from Illinois [Mr. CANNON], then Speaker of the House, for a long time prevented that piece of graft, but finally New England got too strong, and they overpowered him and dipped their hands into the Treasury to buy a lot of worn and wasted hilltops in the White Mountain region.

Mr. HIGGINS. Does not the gentleman know that there has not been a rod of land bought in New England under that act?

Mr. SIMS. I said to buy it.

Mr. HIGGINS. You said that New England dipped its hands into the Treasury.

Mr. SIMS. You had your mountain tops that nobody would buy but the Government.

Mr. HIGGINS. There have been hundreds of acres of land bought in Tennessee and not a rod in New England.

Mr. SIMS. Nobody would buy it.

Mr. HIGGINS. In Tennessee?

Mr. SIMS. Anywhere. Now, the statement has been made here that we are going to increase the rainfall by reforestation, in order that the moisture may be held back and to collect a reservoir of rain to run down the valleys in the summer to keep the rivers from running low. A great scientific argument!

Mr. LEVER. Will the gentleman yield?

Mr. SIMS. In a moment.

Mr. LEVER. My friend over here wants to protect forests from fire.

Mr. LAMB. I want to know who has the floor.

Mr. SIMS. I have it. I was recognized.

Mr. LAMB. I thought you were just an interloper.

Mr. SIMS. I asked for time and got it.

The CHAIRMAN. The committee will be in order. The regular order is the gentleman from Tennessee [Mr. Sims].

Mr. SIMS. The cry is to protect these old worn-out hilltops from fire. I want to protect the Treasury of the United States from fire.

Now, to-day petitions came to me asking me to vote for an old-age pension law. Well, between a lot of old, decrepit, half-starved people and a law that the old, worn-out mountain tops must be purchased and reforested at public expense, the pensions appeal more strongly to me.

I think it is absolutely a foolish piece of legislation. The law ought never to have been passed, and the best thing to do now is to refuse to appropriate to carry out a foolish law and repeal it just as quickly as possible.

Why, Mr. Chairman, if you want to do something to benefit mankind, if the Government wants to do anything of that sort, let it bear the expense of draining vast areas of swamp lands that are exceedingly productive as soon as they are drained. That will produce food products upon which men can live. That would be a useful enterprise, not like this thing of having a lot of waste land up there for the benefit of gentlemen who have already made their fortunes by allowing them permits to go onto that area and hunt or fish, and for a lot of scientific men to calculate how long it will take, after cutting down all the trees, to have them grow again. What good will such a project do me if I have to wait for years and years for the water to come down the watersheds in that way? [Laughter and applause.]

The House went wild when that Appalachian Park bill was considered. Poor Uncle Joe was sandbagged by New England. [Laughter.] We on our side could not prevent it. We could not get the votes to prevent it. Let us confine ourselves to buying the things that the Government needs and what the people need, and not go off upon fine-spun theories and into the vagaries of some scientists who calculate how many millions of years ago the hills of China had trees on them and how many hundred years it will take to produce new trees on those denuded areas. [Applause.]



Mr. MADDEN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Illinois?

Mr. SIMS. Yes.

Mr. MADDEN. Does the gentleman from Tennessee know that this commission has just purchased 80,000 acres of land in Tennessee for the purpose of which he has been talking?

Mr. SIMS. I do not know, but I suppose the commission will buy land where it is for sale. I know they could not buy it where it is not for sale, because condemnation proceedings were not provided for in the Appalachian Park bill. You can buy that which is for sale. But nobody wants to buy anything when the Government is the only purchaser of that thing.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SIMS. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Tennessee [Mr. SIMS] asks unanimous consent that he may proceed for five minutes more. Is there objection?

There was no objection.

Mr. SIMS. Mr. Chairman, I have seen cases of this very kind come up here in the District of Columbia when I was a member of the committee having jurisdiction of those subjects. Now, a lot of gentlemen came up here with a scheme involving the purchase of a lot of old gullies and hillsides and unused land which it would take hundreds of thousands of dollars to improve, and they would say, "We have got an option on it, and we want to let the Government buy it before the price goes so high that the Government will not have enough money to pay for it. It is a bargain-counter proposition." In all such cases nobody else would have those lands. That is the way with the New England and Appalachian hilltops. Nobody wants them. But the minute you provide a large appropriation to buy them, that minute gentlemen get options on them. And no wonder, if they can retain the right to cut everything of value off of them; they are willing to sell the rock foundation, which it took the Lord all the years since the foundation of the world to grow trees upon; and yet they now give us an estimate of the exact number of years in which to do that. [Laughter.]

Mr. LAMB. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Virginia?

Mr. SIMS. With pleasure.

Mr. LAMB. Does not the gentleman credit the capacity of the commission sufficiently to suppose that those gentlemen will purchase these lands under proper conditions and terms, and that they will perform their work faithfully and conscientiously? They are not going to buy anything that is of no value.

Mr. SIMS. Oh, it is in this case just as it was when that other matter was presented to us in the Committee on the District of Columbia. When this proposition was taken up we were told that we should purchase the land on these mountain tops and stop the denuding of the forests in order that the rainfall might be conserved. The floods came down and washed away a lot of cotton mills in the district of my good friend from South Carolina [Mr. LEVER], and he did not want that to recur again. I do not blame him for feeling that way, because those mills are expensive. They wanted to buy up these hills and mountain tops to reforest them or increase the forests, or do something by which the floods would not run down in such a rapid and unchecked torrent as to wash away the industries of that State. I do not blame my friend from South Carolina for that.

Mr. LEVER. And nobody denies that the absorption of the rainfall by the forests will check the floods.

Mr. SIMS. Not a bit of it. But your cotton mills will wear out a thousand times over before there will be forests enough to check the floods in those mountains. We have it from scientific sources; it has been shown by the Weather service that these things are governed by great influences that it is utterly impossible for man, in his puny insignificance, to prevent, alter, or change. Take this tract of 80,000 acres. An aviator could go over the country looking for it, and it would be such a little speck on the landscape that he could not find it. Yet a great storm comes along, covering thousands and thousands of miles, and pours down the rain and forgets that there is any such thing as a little forest reserve there. The lumberman having cut off all the trees, and nothing but the brush being left, no good is done, except to somebody who gets money from the Government for that which he could not get from any other source under heaven.

Mr. BUTLER. Is there much land for sale at three or four dollars an acre in that region?

Mr. SIMS. The price will be \$10 an acre in a little while. The Government is able to pay. They say, "Why not put up

the price?" That is the way it is here in the District of Columbia.

Mr. BUTLER. The commission is not compelled to buy.

Mr. SIMS. If you go to condemn a piece of land in this District, experts on valuation are sworn to give estimates of the value, and they get as high as \$50 a day for their evidence, as I have heard. It is no trouble to get professional witnesses to increase the value of land. Hundreds of millions of acres of old hilltops can be bought if you will keep raising money by indirect taxation. This is all due to the vicious system of indirect taxation.

Mr. HAWLEY. In the matter of cutting trees, I think the gentleman is in error as to the denudation of the land. There are trees of a number of species growing on these lands to be purchased in Tennessee, and only three or four of them will be cut—the poplar, the chestnut, and one or two others—and the remainder will be left on the land for forest cover.

Mr. LAMB. And all the cutting will be done under the supervision of the Government.

Mr. SIMS. And the supervision costs as much as you get out of the timber.

Mr. LEVER. Mr. Chairman, I do not desire to delay a vote on this proposition, and I would not speak, except for the fact that I feel that the attitude of the Committee on Agriculture on this proposition should be known.

The question as to whether Congress made a mistake or did not make a mistake in the enactment of the Weeks-Lever law, which provides for the purchase of certain lands at the head of navigable streams in the White Mountains and the Appalachian Ranges, or as to whether that purchase was wise or unwise, is not now under discussion. The fact is that the law has been passed, that it has been acted upon by both the legislative and executive departments of the Government, and under the provisions of the law the various bureaus of the Government are making purchases of this land. The practical question for the committee is, Shall Congress appropriate money for the protection of property bought under an act of Congress or shall Congress decide that its former action was unwise in the passage of this act? This is the practical proposition involved, and all else is entirely not germane. I maintain—and I had something to do with the passage of this law—that there has not been passed at this Congress, certainly since I have been a Member of it, a piece of legislation that looked further into the future and means more to posterity than the passage of the so-called Weeks-Lever bill. For my own part, in the passage of that act, I have no apologies. On the contrary, I am quite proud of that part of my poor services in this House.

But we are not dealing with that proposition; that is behind us. The proposition before us now is, Shall this Congress appropriate money for the Forestry Service for the protection of the lands bought under that act? What are you going to do about it? We have appointed a commission under the terms of the Weeks-Lever Act to make this purchase. Are you proposing by this amendment to permit this property to become kicked and cuffed about by the marauder, by the hunter, by the fellow who does not care where he drops his matches in the forest? Is this Government property to be made the prey of the indifferent and the careless citizens of the country, or shall we protect it as we are protecting 159 other forests of the National Government in the West, as provided for in this bill? That is all there is to it. We have raised a lot of hurrah about it. We have discussed propositions that have been passed upon and settled. The plain proposition is whether this Congress proposes now to appropriate sufficient money, as recommended by the officers of the Government, for the protection of the property which belongs to it. Mr. Chairman, I ask for a vote.

Mr. FOWLER. Mr. Chairman, the gentleman will not cut off debate at this time.

Mr. LAMB. I ask that the gentleman be recognized for five minutes.

The CHAIRMAN. The gentleman from Illinois is recognized for five minutes.

Mr. FOWLER. Mr. Chairman, the proposition in this paragraph of the bill is to appropriate \$32,590 to protect the forests from fires in what is known as the Appalachian Forest Reservation. While I am not acquainted with all of the facts surrounding the purchase of that proposed reservation of 80,000 acres of mountainous land in eastern Tennessee, I am acquainted with some of the salient features.

Mr. TILSON. The White Mountain Range is also provided for.

Mr. FOWLER. Yes; I understand that the White Mountains went in, and I understand that other mountains are to go in, if they can get there, and they will be taken in unless some friends of honest legislation have influence enough to keep out



of future purchases some of the rocky and barren wastes of mountain stretches in different portions of the country.

Mr. LEVER. They ought to have them all.

Mr. FOWLER. Yes; "they ought to have them all," and certain designing fellows are planning to sell all of them to the United States for the purpose of unloading upon the people of this country these waste lands which are absolutely valueless for any purpose whatever. Much less are they valuable for forest reserves. While I am in favor of preserving the forests of this country, and especially the hardwood forests, yet I am not willing to consent to a proposition to buy waste lands under the name of "improvements for river navigation," and thereafter setting apart these lands as forest reserves, when, at the same time, I know there is not enough soil to grow a tree a foot thick in a hundred years. I understand that the purchase of this tract of land will cost the Government millions of dollars, in the first instance, and that it will be cited in future Congresses as a precedent for the purpose of purchasing other barren, mountainous land at a vast expense to the people of this country, thereby giving a set of land sharks an opportunity to take options on these waste lands for a trifle in advance of their sale to the Government and thereafter, by manipulation of certain designing statesmen, they will be unloaded upon the taxpayers of this country at a vast profit to the land shark.

But, Mr. Chairman, that is not the question which I desire to discuss. I want to be fair with the committee who reported out this bill and recommended its passage, including the paragraph under discussion. I understand that the original design of a law which passed during the Sixty-first Congress gave authority to establish forest reservations under the plea of improvement to navigable streams. I understand that a forest reservation commission was created by that law with power to examine territory and purchase reservations at an expense to the United States of \$11,000,000. Under this power, I understand, they have selected what is known as the Appalachian Forest Reservation, which is now in process of being established but yet not completed. The law under which this commission is authorized to act provides, among other things, that the commission may permit the owners of the land to reserve the timber and minerals thereon. Under this power I understand that this commission—and I get my information from one of the commissioners—has permitted the owners of these lands to reserve the timber, and that they have been given a period of 10 years in which to cut, manufacture, and remove the same from said lands.

It will be seen that all that the Government gets is simply the land, without any timber, yet timber being the very object for which it is contended by the friends of the law this reservation was intended to conserve. The Government will have on its hands the land at least 10 years without a chance for a forest reservation, and it will be 10 years after the purchase of the land before the Government will get an opportunity to begin to grow a forest.

This paragraph of the bill proposes to appropriate \$32,500 to protect the forests on this land from fire during the next fiscal year—a forest which does not belong to the United States, either in whole or in part, but wholly belongs to the original owners of the land. They not only sold this land to the Government at an enormous and unreasonable price, but now they have the effrontery to ask Congress to appropriate this unreasonable sum to protect their own timber from forest fires. This is the essence of cheek; a fraud so patent on its face, like Banquo's ghost it ought to rise up to frighten even its friends away from its support.

Mr. LEVER. What does the gentleman think about it?

Mr. FOWLER. If we permit this appropriation to be made by this Congress, other bills will come in annually for the next 10 years with an appropriation increasing in amount each succeeding year, I apprehend, asking Congress to vote those large sums of money out of the Treasury to protect the individual timber of these land speculators, who will derive the entire benefit thereof at the expense of the taxpayers of the United States. [Applause.] I want it clearly understood that I am opposed to such legislation, and will vote against this item of the bill.

My colleague from South Carolina [Mr. LEVER] wants to know what I think about such legislation. To be plain and not misunderstood, and without casting reflections upon the gentleman or any of the committee, I think it is a fraud which ought to be condemned by every Member of this House.

I once heard of a circuit judge down in Missouri who was supported by a colored politician in his first race, and during his candidacy for reelection he met the colored politician with a "How are you, Sam? Am glad to see you. I am depending upon you to carry the colored vote for me." "You're my second choice," replied the colored man. The judge, becoming

anxious, inquired as to who was his first choice. "My first choice is anybody to beat you're." I am for anything to beat this appropriation, and will be very glad to see enough votes cast against it to insure its defeat on final passage of the bill.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from Indiana.

The amendment was considered and rejected.

The Clerk read as follows:

For fighting forest fires and for other unforeseen emergencies, \$150,000.

Mr. RAKER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Insert, between lines 2 and 3, on page 46, the following:

"That the War Department be, and it hereby is, authorized in its discretion to station Federal troops in the national forests within the State of California, during the months of July, August, and September each year, and in case of an emergency to be used for the purpose of preventing and fighting forest fires and protecting such national forests from fire."

Mr. LAMB. Mr. Chairman, I make the point of order on that.

Mr. HAY. Mr. Chairman, I reserve the point of order.

The CHAIRMAN. A point of order has been made on the paragraph. In the opinion of the Chair the point of order is well taken. The point of order is therefore sustained, and the Clerk will read.

The Clerk read as follows:

For the purchase and maintenance of necessary field, office, and laboratory supplies, instruments and equipment, \$155,000.

Mr. MARTIN of South Dakota. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 46, after line 5, insert:

"To be expended under the direction of the Secretary of Agriculture for survey and listing of lands within forest reserves chiefly valuable for agriculture and describing the same by metes and bounds, or otherwise, as required by the act of June 11, 1906, and the act of March 3, 1899, \$50,000: *Provided, however,* That any such survey and the plat and field notes thereof paid for out of this appropriation shall be made by an employee of the Forest Service under the direction of the United States surveyor general, but no land listed under the act of June 11, 1906, shall pass from the forest until patent issues."

Mr. LAMB. Mr. Chairman, I make the point of order on that.

Mr. MARTIN of South Dakota. Mr. Chairman, will the gentleman reserve the point of order?

Mr. LAMB. Mr. Chairman, I reserve the point of order.

Mr. MARTIN of South Dakota. Mr. Chairman, the act of 1906, providing for settlement upon agricultural lands in forest reserves, contains a provision that the Secretary of Agriculture shall investigate and list portions of the forest which are adapted to agriculture, and that this may be done by metes and bounds, or otherwise. The procedure which has grown out of that legislation has been that when a settler applies for a certain piece of land the Department of Agriculture, through one of its officers, proceeds to mark the exterior boundaries of that piece of land by metes and bounds. It amounts to a preliminary survey of the lands, because in almost all instances these tracts are comparatively small and irregular in character. The law provides that the settler, when he comes to settle on the land and make his homestead entry, must have a plat approved by the surveyor general of the State describing the lands by metes and bounds, or otherwise. As a result of this there has grown up practically a duplication of the work. The Department of Agriculture is authorized under the law to mark or list the lands by metes and bounds, but the Land Department, when it comes to pass upon the homestead entry, must have a survey which is approved by the surveyor general of the State, who is under the direction of the General Land Office in the Interior Department. The result is there are two sets of markings or surveys, the first at the expense of the Government, and the other must be performed by the settler when he secures patent upon his entry. It has proved a great hardship on the settlers in the forest reserves because of the expense. It has caused them large expenditure and is the only class of cases where the Government does not provide the surveys under our system of homesteading. I have known instances where these expenses have often run as high as \$200 to the homesteader for marking the boundary.

The Department of the Interior and the Department of Agriculture have been endeavoring to work out a system by which this duplication will be avoided. As a result a proposition has been put forth in writing by the Secretary of Agriculture, and I will put it into the RECORD at this point, proposing that some one in each reserve, in the employ of the Forest Service, who has to do this listing shall be approved as a surveyor by the Commissioner of the General Land Office, in the Interior



Department, so that he may make this original list under the direction of the Interior Department, and in that way avoid the second survey, the expense of which has been thrown on the settler in each instance. Under date of September 19, 1911, the Secretary of the Interior, by way of letter to the Secretary of Agriculture, has approved of that scheme, so that they have announced that hereafter the listing will be done in this manner by an officer in the employ of the Forest Service, under the approval of the Department of the Interior, and so save the settler the unnecessary expense of going over these same lands with another surveyor. It is a proposition that ought to meet with commendation. It has been started by those officers under the appropriations already at their disposal. The proposition to which I have referred is contained in the following correspondence:

DECEMBER 31, 1910.

The honorable the SECRETARY OF THE INTERIOR.

SIR: Referring to your letter (10-42043 "E." W. F. P.) of July 28, 1910, concerning proposed cooperation in the homestead entry surveys within national forests, and previous correspondence on the same subject, I have the honor to advise you that the Comptroller of the Treasury and the Solicitor of this department have recently held that lands listed under the act of June 11, 1906, are thereby segregated from the national forests; that the Secretary of Agriculture has no authority to expend any of the appropriations of his department to aid in the survey of such lands or lands embraced in entries made in accordance with the act of June 11, 1906, because they are not a part of the national forests, and that a survey of such lands is not a duty imposed upon the Interior Department "with respect to the national forests." Since your letter of July 28 relates wholly to the survey of lands after they are listed, or after they have been entered in accordance with the act of June 11, 1906, it is apparent that further consideration can not be given to the plan therein proposed.

However, it is a duty imposed by law upon the Commissioner of the General Land Office, under the direction of the Secretary of the Interior, to survey the public lands, including "lands within boundaries of forest reservations"; also the act of May 23, 1908 (33 Stat., 2511), provides that:

"Hereafter officials of the Forest Service designated by the Secretary of Agriculture, \* \* \* with respect to the national forests, shall aid the other Federal bureaus and departments, on request from them, in the performance of the duties imposed upon them by law."

And in his opinion of October 20, 1910, the Comptroller of the Treasury says:

"If the proposed survey by the Secretary of the Interior is to locate and bound the lands so as to enable the Secretary of Agriculture to 'list and describe such lands by metes and bounds or otherwise,' as chiefly valuable for agricultural purposes, under the act of June 11, 1906, I am of the opinion that such lands are still parts of the forest reserve, and under the act of May 23, 1908, supra, you are authorized to designate officials of your department to aid the Department of the Interior in effecting said surveys and pay their salaries and expenses from the appropriations indicated by you."

With a view, therefore, to securing such cooperation between the two departments, when application for listing is made under the act of June 11, 1906, as will obviate the necessity for two surveys of the same tract, and will enable the survey made as a basis for listing to be utilized also as a basis for patent, I have the honor to ask your consideration of the following suggestions: (1) That, in order to comply with the conditions imposed by the act of May 23, 1908, the Secretary of the Interior request of the Secretary of Agriculture that he render him such aid as he can in the survey of lands within the boundaries of national forests; (2) that the Secretary of Agriculture, in response thereto, will cause to be filed in the office of the various surveyors general, through the Secretary of the Interior, a list of competent land surveyors in the employ of the Forest Service; (3) that when an application is made to list a tract of land that will require a survey by metes and bounds under the act of June 11, 1906, and it has been determined by the proper forestry officers that such tract is of the character that may be listed, and the applicant has expressed a willingness to deposit a sum sufficient to cover the expense of the surveyor general's office in connection with the survey of such tract, a copy of such application will be forwarded to the proper surveyor general by the district forester, with a recommendation that the survey be made by one of the surveyors in the employ of the Forest Service whose name appears on the list on file in the surveyor general's office; (4) that the surveyor general shall then designate an employee of the Forest Service, whose name appears on the list in his office, to make a survey of the lands, the listing of which has been applied for, and transmit to the district forester the name of the employee designated, together with an estimate of what the expense of examining such survey in his office will be; (5) when such designation and estimate are received by the district forester the applicant will be immediately informed thereof. If he makes the deposit required by the surveyor general, the survey will be made under the direction and in accordance with the instructions of that official by such employee of the Forest Service; provided, however, that all surveys made in Lawrence and Pennington Counties, S. Dak., must be by metes and bounds as is required by section 4 of the act of June 11, 1906; (6) that when the survey is completed plats and field notes in sextuplicate shall be prepared by the surveyor, three sets of which shall be transmitted to the surveyor general, one kept on file in the office of the district forester, one sent to the supervisor, and the other forwarded with the listing letter to the Secretary of the Interior; (7) the expense of examining such survey in the surveyor general's office shall be paid from the deposit made by the applicant. When such survey is approved, two sets of the plats and field notes on file in the surveyor general's office shall, on demand of the applicant or entryman, be filed in the local land office and shall be accepted as a basis for patent, one set of such plats and field notes to be posted by the applicant on the ground during the period of advertising final proof, as required by law.

Before patent can issue to a tract of land entered under provision of the act of June 11, 1906, it is provided that the entryman shall, "within five years of the date of making settlement, file with the required proof of residence and cultivation a plat and field notes of the lands entered, made by or under the direction of the United States Surveyor General, etc." It is not prescribed that this survey must be made after entry. Under the practice now in vogue there is one survey made as a basis for listing, and when patent is desired another is made under the direc-

tion of the Surveyor General. The expense of the second survey is borne by the entryman, and it is for the purpose of relieving him of that burden, which does not have to be borne by settlers on unsurveyed, unserved public lands, and for the purpose of preventing a duplication of work that these suggestions are made. It is hoped the plan proposed may accomplish both purposes.

I shall be glad if you will advise me at as early a date as is consistent with the proper transaction of the public business whether the suggestions herein made meet with your approval.

I have the honor to be, sir,

Very respectfully, your obedient servant,

(Signed) JAMES WILSON,  
Secretary.

DEPARTMENT OF THE INTERIOR,  
Washington, September 19, 1911.

THE SECRETARY OF AGRICULTURE.

SIR: This department is in receipt of your letter of December 31, 1910, relative to a proposed cooperation of the two departments in the matter of surveys of homestead entries within national forests under the act of June 11, 1906 (34 Stat., 233), and the act of May 30, 1908 (35 Stat., 554), amendatory thereof, stating that the Comptroller of the Treasury and the Solicitor of the Department of Agriculture have held that lands listed under the act of June 11, 1906, are segregated from the national forests, and there is no authority to expend any part of the appropriation for the Agricultural Department for said surveys, as they are not, after such segregation, a part of the national forests.

The correctness of that ruling can not be questioned; but it is not an obstacle to the purpose sought to be accomplished by cooperation of the two departments, which is to avoid duplication of unnecessary work by having a listing survey made under authority of the Department of Agriculture, executed by competent surveyors and in such manner as to allow of its acceptance by the Land Department as the public-land survey and as the basis for a patent, thus saving to the settler the unnecessary execution of a second survey.

In many instances the listing of lands by the Secretary of Agriculture, under authority of said act, is confined to individual claims or rights and the listing is made by metes and bounds. It is in such cases that the cooperation between the two departments is especially desirable, inasmuch as the listing of the lands by the Secretary of Agriculture is a determination of the boundaries of the claim and no different survey can be made of such lands.

The act authorizes the Secretary of Agriculture, upon application or otherwise, to examine and ascertain as to the location and extent of the land within temporary or permanent forest reserves which, in his opinion, may be occupied for agricultural purposes and to list and describe the same by metes and bounds or otherwise. Upon the filing of such lists or description the Secretary of the Interior is required to declare the lands so listed open to entry in tracts of not exceeding 160 acres in area, not exceeding 1 mile in length.

An entryman desiring to obtain patent to any land described by metes and bounds is required to file with his proof a plat and field notes of the lands entered made by and under the direction of the surveyor general of the State in which the land is located, showing accurately the boundaries of such land, which shall be distinctly marked by monuments on the ground; that is, the applicant is required to cause such unsurveyed lands to be surveyed at his own expense by a reliable and competent surveyor to be designated by the surveyor general at some time before he makes final proof. Amended Regulations (38 L. D., 278).

In order that the listing survey may be utilized as the basis for patent, so as to avoid the necessity for a second survey, this department concurs in your suggestion that the Department of Agriculture cause to be filed in the office of the surveyor general a list of competent land surveyors in the employ of the Forest Service, and when a tract of land within a forest reserve is applied for under the act of June 11, 1906, and it has been determined by the Department of Agriculture that it is of the character that may be listed, a copy of the application will be forwarded to the proper surveyor general, who will designate an employee of the Forest Service whose name appears upon the list in his office to make a survey of the lands applied for and transmit to the district forester the name of the employee designated, with an estimate of the cost of necessary work to be performed in the office of the surveyor general, and upon the deposit of such cost in the office of the surveyor general, of which notice should be given to the district forester, the survey will be made by the employee designated, under the direction of the surveyor general, who will exercise supervision in every case as to the manner of the execution of the survey with reference to the running of lines and the establishment of monuments to mark the same.

All work necessary to be performed after the return of the survey to the surveyor general's office will be performed by his direction under the supervision of the General Land Office, and when the survey shall have been approved by the surveyor general and platted it will be accepted as the public-land survey and filed in the local office and in the General Land Office as the basis of patent for said tract.

Further instructions with reference to the details of work to be performed in the surveyor general's office will be given to that official by the General Land Office, with the approval of the department.

Very respectfully,

(Signed) SAMUEL ADAMS,  
Acting Secretary.

I am advised by the Agricultural Department that in order to carry out this service and make it available for the current fiscal year they will have to have an appropriation of at least \$63,000, in addition to current funds. I have proposed by this amendment \$50,000. I believe that it is meritorious, and it would give uniformity to our general system of permitting settlers within the reservations to allow these lists made by the Agricultural Department under the law of 1906 to be made available for their benefit.

Mr. LAMB. Mr. Chairman, I do not think we can at this late hour of the evening, under this appropriation, discuss a question which has been presented here now involving so much, and I do not propose to discuss it, but I will say to my friend that when we make up our next appropriation bill, next December, if he will bring this proposition before the committee we will consider it, and now I insist upon the point of order.



Mr. MARTIN of South Dakota. Mr. Chairman, upon the point of order I would like to be heard for a moment.

Mr. MONDELL. Mr. Chairman, will the gentleman withhold his point of order for five minutes?

Mr. LAMB. Yes; but at the end of the five minutes I will ask for a ruling.

Mr. MARTIN of South Dakota. Mr. Chairman, I shall request, of course, to be heard briefly on the point of order, either at this time or after the gentleman from Wyoming.

Mr. MONDELL. Mr. Chairman, I hope this amendment may be adopted. I am rather inclined to think that the new method could be put in operation without as large an expenditure as carried in the amendment which the gentleman has offered. In fact, I am of the opinion, Mr. Chairman, that this new method when in operation will not involve any considerable additional expenditure, and I think that is the view of the Forest Service. I took this matter up and discussed it somewhat during the consideration of the agricultural appropriation bill. There is, as the gentleman from South Dakota [Mr. MARTIN] has stated, a duplication of work. The forest officer now makes a survey and that survey may be as accurate as the survey subsequently made by the deputy surveyor, but as the man who makes it is not a deputy surveyor the entryman must go to the expense of having a deputy surveyor make the survey. I know a case where the survey of a homestead of less than 100 acres cost the entryman \$240, and I have a letter which I received from the Forester a few days ago in which he said that the cost, on the average, was from \$100 to \$200 in each case. When you take into consideration the fact that a forest homestead only averages about 80 acres or less, I think you will realize how large a sum this is and what a burden it is upon the entrymen, and it is altogether unnecessary, because the man who makes the original survey for the Forest Service could be equipped and qualified to make a survey that would be accurate and official. Therefore I hope that the committee will agree to the amendment.

Mr. MARTIN of South Dakota. Does the gentleman from Virginia desire to be heard upon the point of order?

Mr. LAMB. At the close of it I will ask for a ruling.

Mr. MARTIN of South Dakota. Mr. Chairman, I should like to be heard for a moment on the point of order. It seems to me clearly that this item is not subject to the point of order, and I base the authorization for an appropriation of this kind upon the act of June 11, 1906, providing for the settlement of agricultural lands in forest reserves and in the first paragraph of that act, which I will send to the Chair; I have a duplicate of it here—

The CHAIRMAN. The Chair has it before him.

Mr. MARTIN of South Dakota. It provides—

That the Secretary of Agriculture may, in his discretion, and he is hereby authorized, upon application or otherwise, to examine and ascertain as to the location and extent of lands within permanent or temporary forest reserves—

Now, here are some exceptions—

which are chiefly valuable for agriculture, and which, in his opinion, may be occupied for agricultural purposes without injury to the forest reserves, and which are not needed for public purposes, and may list and describe the same by metes and bounds, or otherwise, and file the lists and descriptions with the Secretary of the Interior, with the request that the said lands be opened to entry in accordance with the provisions of the homestead laws and this act.

I think that is clearly an authorization.

The CHAIRMAN. The Chair will ask the gentleman from South Dakota this question: The terms of the act of June 11, 1906, provide that these surveys be made by the Surveyor General of the United States. The Surveyor General of the United States, as the Chair recollects, is an officer of the Interior Department.

Mr. MARTIN of South Dakota. Yes, sir.

The CHAIRMAN. And the amendment of the gentleman from South Dakota provides that this survey shall be made by an employee of the Forest Service?

Mr. MARTIN of South Dakota. Yes, sir.

The CHAIRMAN. Is not that a change of existing law?

Mr. MARTIN of South Dakota. No; the existing law provides that the listing and description of the land by metes and bounds shall be made by the Secretary of Agriculture. That is what my amendment provides.

The CHAIRMAN. It appears to the Chair that that is a change in existing law.

Mr. MARTIN of South Dakota. The item in the amendment simply says that this forest officer shall be under the direction of the surveyor general.

The CHAIRMAN. The Chair will call the attention of the committee—

Mr. MARTIN of South Dakota. That it shall be made by or under the direction of the United States Surveyor General.

The CHAIRMAN. It says it "shall be by an employee of the Forest Service under the direction of the Surveyor General." And the law says it shall be under the surveyor general.

Mr. MARTIN of South Dakota. The law says it shall be under the direction of the Secretary of Agriculture, and I do not conceive that the fact that this officer shall make this listing under the direction of the United States Surveyor General changes the authority for him to make the listing.

The CHAIRMAN. The Chair calls the attention of the committee to the last two lines of the amendment to the effect that—

no land listed under the act of June 11, 1906, shall pass from the forest until patent issues.

If that is anything more than a repetition it is certainly a change of existing law.

Mr. MARTIN of South Dakota. I will be frank with the Chair, and say that I think it is a serious question as to whether that portion is a change of existing law. My opinion is that it is not, but I am willing to strike out the last two lines so that there will be no question on the subject.

Mr. LEVER. We still reserve the point of order.

The CHAIRMAN. The Chair is prepared to rule on the point of order. The Chair is of the opinion that the entire amendment is a change of existing law, and the point of order is sustained. The Clerk will read.

The Clerk read as follows:

For investigations of methods for wood distillation and for the preservative treatment of timber, for timber testing and the testing of such woods as may require test to ascertain if they be suitable for making paper, and for other investigations and experiments to promote economy in the use of forest products, \$150,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. This item in the current law is \$177,040, and is reduced to \$150,000 in this bill. Now, can the gentleman tell me how much of that reduction is caused by transfer to the statutory roll?

Mr. RAKER. That is not this item, is it?

Mr. LAMB. This is to investigate the method of wood distillation, and is a decrease of \$27,040.

Mr. MANN. It is not a decrease of \$40,000.

Mr. LAMB. This appropriation has been reduced from \$177,040 to \$150,000, a decrease of \$27,040. Nine hundred dollars of this amount was recommended by the Forest Service and was made possible by a rearrangement of expenses, and we reduced the amount by \$26,140 in the interests of economy, and because we thought it could stand the reduction. These amounts had been increased in the last few years and we felt it to be our duty to curtail expenses.

Mr. MANN. I wish to be heard on the motion to, on page 46, line 11, strike out the word "fifty" and insert in lieu thereof the word "seventy-five."

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 46, line 11, strike out the word "fifty" and insert in lieu thereof the word "seventy-five."

Mr. MANN. I hope the gentleman will agree to it. I do not pretend to be certain as to the amount, but I am certain the amount carried in the bill is not enough. The gentleman will remember that some years ago I was made the chairman of a special committee on the investigation of pulp and paper. Growing out of that investigation, in addition to other matters which the Government undertook, it made an investigation of plants for the purpose of ascertaining their paper-making qualities, and it undertook an investigation of the manufacture of ground wood from different kinds of trees. Ground wood, which is the basis of all of our newspaper paper and of a large share of the schoolbook paper and other similar paper, is now made from spruce wood. Spruce timber is to be found only in a few places of the United States in any large quantities. Two-thirds of it in the whole United States is supposed to be in the State of Maine, and the bulk of the spruce wood on the continent is in Canada.

Before we passed the Canadian reciprocity bill Canada had restricted the exportation of spruce wood from a number of her Provinces, or the Provinces had restricted the exportation of spruce wood from their Crown lands; and even since we passed the Canadian reciprocity law, which authorized the bringing in of print paper free when made from wood that is not restricted in exportation, they have added to the restrictions in several of the Provinces. And unless we find some substitute for spruce wood in the making of ground wood we will in the end become absolutely dependent upon Canada for our cheap print paper, which means that in the end we will pay a very much higher price for it.

Now, we commenced, through the Forestry Service, the study of the manufacture of ground wood from other kinds of wood,



so far largely from jack pine, which in the main is useless for other purposes, and with hemlock, which now is used partly for the manufacture of lumber and partly for the manufacture of sulphide paper pulp. The Government established a laboratory at Madison, Wis., for various purposes connected with the Forestry Service, and, in connection with that, another working laboratory at Wausau, Wis., for the actual test of the use of these other woods in making ground wood pulp.

Gentlemen will understand that ground wood pulp is made by pushing a stick of timber up against a coarse grindstone. It was thought for many years that it was practically impossible to make satisfactory ground wood pulp from any tree except the spruce, because it is not ground like flour, but in the grinding process the cellulose fiber is torn apart, and the other woods either do not furnish a fiber that is fine enough or else it is too fine. The woods that were tested were either ground into flour, which was of no use, or else into a pulp that was too coarse, which was of no use.

This Wausau laboratory has been making investigations, a part of the expense being borne by the manufacturers of pulp wood and the mill owners. They have made investigations which, so far as I am informed, have proven to be of immense value, and some of the paper mills or pulp mills are now finding that, following the recommendations of the Department of Agriculture, they are able to make satisfactory ground wood by the use at least of a considerable portion of hemlock and by the use of some jack pine. And I am satisfied that if we can proceed with those scientific investigations in connection with the actual work in the mills we will discover that we can make ground wood pulp, as the basis of cheap print paper, from a number of woods that grow in the North now, some of which are now almost valueless, like what they call the "popple" in the North.

That is the situation, where we are now almost dependent for the future of the cheap-paper industry upon Canada, and we ought not to take any of this appropriation away from this service. I should like the gentleman in charge of the bill to consent to give us—

Mr. FITZGERALD. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from New York?

Mr. MANN. Certainly.

Mr. FITZGERALD. There are a number of provisions in this bill for scientific investigations of various character. Is it intended that any of them shall ever be completed?

Mr. MANN. The gentleman asks that question. The scientific investigations along certain lines, so far as that is concerned, are constantly being completed, but science will never go out of date, and the information that can be acquired by scientific methods will never be exhausted.

Mr. FITZGERALD. That is not my question. This is a specific investigation.

Mr. MANN. I do not desire to be led away from the proposition I am discussing into the general subject. This investigation has been carried on only a year or two.

Mr. FITZGERALD. More than that.

Mr. MANN. I beg the gentleman's pardon. It has only been carried a year or two.

Mr. FITZGERALD. I think the gentleman is mistaken.

Mr. MANN. I am not mistaken, because I had the first item inserted in the bill, and that was inserted two years ago, in the bill which did not become available until the following July.

Mr. FITZGERALD. Is there not an item in this bill of \$30,000 for investigations of woods out of which paper may be manufactured?

Mr. MANN. There is not.

Mr. LAMB. There is an appropriation under the Bureau of Plant Industry for an investigation along this line. Besides we know they are now making paper out of soft woods.

Mr. FITZGERALD. There is an item for fiber investigation.

Mr. MANN. The provision under the Bureau of Plant Industry, which was \$7,000 or \$8,000, and increased by something like \$5,000, has nothing to do with this question. That is an investigation of ordinary plants which can be used in the manufacture of paper, but that paper is not ground wood paper at all. The only thing they use that for is making what they call soda pulp, which is a high-grade paper.

Mr. FITZGERALD. It is a different paper from this?

Mr. MANN. Oh, an entirely different paper. It has no relation to this cheap paper.

Mr. LAMB. Mr. Chairman, the Committee on Agriculture considered this matter carefully. There are many of us on the Committee on Agriculture who do not believe it is a function of the Forestry Bureau to test woods to find out what their timber strength will be or what are their properties for the manufac-

ture of paper. Many of us think that belongs to the Bureau of Plant Industry, and if you will note the hearings, some members of the committee said, "Why not transfer all this to the Bureau of Plant Industry?" I doubt if it belongs under the Bureau of Forestry; but admitting, for the sake of argument, that it does, let me tell you that \$150,000 is a liberal appropriation for it.

Mr. MANN. There is only a small amount of this used for this purpose, and it will be cut off. There is no \$150,000 used for this purpose.

Mr. LAMB. That is what it states that it is used for.

Mr. MANN. And it covers a lot of other things.

Mr. LAMB. The item reads:

For investigations of methods for wood distillation and for the preservative treatment of timber, for timber testing and the testing of such woods as may require test to ascertain if they be suitable for making paper.

Mr. MANN. Yes; but the testing for paper is the last item that was inserted there and will be the first item cut down.

Mr. LAMB. It says:

And for other investigations and experiments to promote economy in the use of forest products, \$150,000.

Mr. MANN. Yes.

Mr. LAMB. I do not think it would be right to cut out the item for testing for paper. It would not be a proper thing for the chief of the bureau to cut that out.

Mr. MANN. They will have to cut it down.

Mr. LAMB. Besides, why should the Forester be engaged in this work, when he has a domain to preside over that is larger than the New England States, New York, Pennsylvania, and Maryland combined? He has sufficient other work to do.

Let me call attention to another fact connected with these appropriations. Two years ago some of us contended that all these appropriations outside of forest reserves and for the purpose of keeping the forests in order were going too far, and many of us contended that the work outside of the domain of forestry absorbed almost as much money as the Forestry Service proper. When we came to consider this bill I added up those items, and they amounted to \$680,000, and I offered amendments to reduce those appropriations, to bring them within the bounds of what we thought was at least reasonable.

We do not think that many of them ought to have been established, but we found them in operation and we did not propose in cutting out the dead tissue to hurt the living, and we thought we would reduce the expenditure what we could, and cut off pro rata along the different lines which you will see presently.

Now, my friends, the Bureau of Plant Industry ought to be doing this work. I do not think the work ought to be done in cooperation with the colleges. We have laboratories over here, and we can do this work as well as they can anywhere else, and I submit that the committee did not go beyond the bounds of reason when we cut off \$30,000 from this appropriation.

Mr. MANN. Mr. Chairman, when the item was first inserted in the agricultural appropriation bill it was \$10,000 without specifying under what bureau it should be expended. Subsequently, on the recommendation of the Department of Agriculture, it was partly given to the Bureau of Forestry and partly to the Bureau of Plant Industry. I doubt very much whether any great positive good comes out of that part that goes to the Bureau of Plant Industry. The Bureau of Forestry is the bureau testing wood in the grinding, and the test is made by trying it under all sorts of conditions, as to the condition of the grindstone, the sharpness of it, and other conditions, by making the test and disposing of the pulp.

Mr. LAMB. The Director of Public Roads is doing it too. He is testing wood, I know, in various ways.

Mr. MANN. Yes; but they are not testing wood in this way. There is no one else that can do it. The machinery in this case was largely furnished by the paper manufacturers. They have furnished the wood. They have done great service. The gentleman says he has cut appropriations off all along the line. He has cut this more than any other that I have noticed in the bill, and it affects the appropriation in the bill which is the most vital to the people of the country.

Mr. ESCH. Mr. Chairman, under the appropriation made three years ago a provision was made for a forest laboratory to be erected at Madison, Wis. Under the terms of that appropriation the State was to furnish the site and building. This the State has done, and that laboratory has been in operation, I think, a little less than two years.

Aside from the investigations now being made at that laboratory of pulp and print paper, it is extending its inquiries to find a substitute for hemlock bark for use in the tanning industry. It is a well-known fact that hemlock bark is becoming scarcer year by year, and it is only a question when the



supply will be entirely exhausted. The same may be said of oak bark used in tanning. The question therefore is, Can a substitute be found in the American forests to take the place of hemlock and oak bark? Already the United States is importing thousands of dollars' worth of quebracho as a substitute for tan bark.

The laboratory at Madison has been making experiments in barks to see if they can find a substitute, and if that laboratory can find such a substitute the returns will come back to the country a hundredfold. It does not seem to me that this decrease in the appropriation is in the exercise of economy, and I hope that the House will retain the old appropriation and not reduce it by \$25,000.

Mr. LEVER. Mr. Chairman, the committee agrees with the gentleman from Illinois that the matter of paper manufacture is an important proposition. We recognize the fact that the civilization of the future is going to depend largely on the fact of whether we get cheap print paper. These investigations being carried on by the Government at Madison, Wis., and at another point in Wisconsin, the Committee on Agriculture regards as highly important.

And yet, Mr. Chairman, I desire to call the attention of the committee to the fact that in the appropriation act for 1911, two years ago only, for this item we appropriated \$129,420, and immediately following, the next year, we gave for this same purpose the sum of \$177,040, an increase in round numbers of \$50,000. This is a pretty big increase for a purely scientific work.

Now, the estimate for this year was one hundred and seventy-seven thousand and some odd dollars. The committee concluded that this was more money than could be expended economically in this work. I find, too, Mr. Chairman, that the work on wood distillation, which my friend from Illinois [Mr. MANN] has in mind, calls for an expenditure during 1907 of only \$3,542; in 1909, \$3,207; and in 1910, \$980.

Mr. MANN. Wood distillation was not what I was talking about.

Mr. LEVER. It is the same proposition. For this year the estimate for this purpose amounts to \$8,360. I figure that the amount for this purpose is only 20 per cent of the total amount carried in the bill, and that if the reduction for this item is carried out, the reduction for studies in paper manufacture will be only \$1,600, on a basis of a 20 per cent reduction in the total appropriation. I regard this as exceedingly important work, and I hope the committee has made no mistake in making the reduction. We feel that we have not done so, and we interrogated Mr. Graves, the Forester, on that proposition. It had been suggested that there should be a cut of something like \$40,000 made in this item. I said to him:

I have the thought in my mind that this being rather a scientific work, perhaps we were rushing forward too rapidly and we could afford to go rather slowly on it; that perhaps a reduction here could be effected without crippling your work.

Mr. GRAVES. We have the work thoroughly established, the machines going, and an extensive cut there would, so to speak, stop the machinery.

Mr. LEVER. Of course we do not want to do that.

Mr. GRAVES. Anything like a \$40,000 cut would necessarily do that.

The CHAIRMAN. You do not think a cut of twenty-five or twenty-six thousand dollars would stop it or affect it materially?

Mr. GRAVES. It would not stop the work, but it would cripple the amount of work we do and our production would be that much diminished.

The committee thought that this, being a scientific work, necessarily must go along slowly; that a cut of \$25,000 not stopping the work at all, reducing it, diminishing it to some extent, would not in the end delay the results which we hoped to attain through the work provided for in this item in the bill.

Mr. MANN. Mr. Chairman, just a word. With all due deference to the other gentlemen and the Forestry Service, I believe I know as much about this matter as anybody in the Forestry Service, except from the technical side of it, and a great deal more than Mr. Graves does, because I have given very close attention to it. I have followed this work from the start up to the present time, kept in touch with what they are doing by correspondence, both with the people in the Forestry Service and with the people in the business who are making use of the information in the Forestry Service. I am prepared to say that if this item goes in the bill in the way it is, without any increase in the appropriation, it will practically ruin a service of inestimable value to the people of the country.

Mr. LEVER. Mr. Chairman, there is not a man on the floor of the House who does not know the expert information that the gentleman from Illinois has on this proposition. We have all admitted it here. I wonder if the gentleman would not agree, as a substitute for his amendment, to make it \$165,000, and let us get along.

Mr. MANN. I would be quite willing to do that, with the understanding, expressed in debate, that the extra amount of \$15,000 is put in for this purpose.

Mr. LEVER. I do not know that we could do that.

Mr. MANN. I do not mean to put it in the law, but I mean in debate, so that the Forestry Service will understand that the increase is for this purpose.

Mr. FITZGERALD. Why is it necessary to increase it?

Mr. MANN. It is absolutely essential. Mr. Chairman, I ask unanimous consent to modify my amendment by making it \$165,000 instead of \$175,000.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Strike out the word "seventy-five" and insert in lieu thereof the word "sixty-five."

The CHAIRMAN. Without objection the modification will be made.

There was no objection.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Illinois.

Mr. FITZGERALD. Mr. Chairman, I wish to inquire of the gentleman in charge of this bill what information he has that would justify the committee in accepting the amendment?

Mr. LAMB. Mr. Chairman, we are cutting this item considerably, \$26,000, and we did it over the protest of the Forester, of course. We had no more evidence touching this item than what I have already given. Mr. MANN has thrown some further light on the subject.

Mr. FITZGERALD. No appropriation is ever reduced except it is against the protest of the official who is to expend the money.

Mr. MANN. The official who is to expend the money has not protested, so far as I know.

Mr. FITZGERALD. The gentleman from Virginia said he did.

Mr. MANN. I did not know about that. I have made an investigation of this matter since this bill was reported and have given to the House the information I obtained.

Mr. FITZGERALD. How much of this appropriation is to be expended in these particular investigations?

Mr. MANN. Probably twenty or thirty or forty thousand dollars. I can not tell the exact amount. I do not remember.

Mr. LAMB. I have given all the information we had. We were reducing these amounts all we could. We reduced them in proportion. I have previously stated that they had been increased too rapidly in preceding appropriation bills; at least some of us thought so.

Mr. MANN. And a large part of the expense is being paid by outside parties, the gentleman understands—as much as they are permitted to pay under the law.

Mr. LEVER. We made very serious cuts all along the line here.

Mr. LAMB. We cut the amounts over \$300,000.

Mr. LEVER. I regard this as important, and the gentleman from Illinois is better informed, perhaps, on this proposition than any man in the country. I confess I have been somewhat moved by his statement in respect to the proposition, and if he is willing to make a reasonable divide I am willing to accept it, so that we may get along.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois as amended.

The question was taken, and the amendment was agreed to.

Mr. MURRAY. Mr. Chairman, I move to strike out the last two words of the paragraph. Mr. Chairman, I make this pro forma motion in order that I may attract the attention of the members of the committee to the situation at the port of Boston, which has been set forth in an editorial of the Boston Herald of date of Thursday, March 7, a day or two ago, in which, under the caption "Our expensive quarantine," the following editorial is printed:

#### OUR EXPENSIVE QUARANTINE.

There is something impressive in the fact that the city of Boston, through its quarantine department, is now caring for something over 500 steerage passengers from a chickenpox-infected ship which originally put into Portland, but which came to this port because the quarantine facilities at Portland were not adequate for handling so many persons suspected of infection. Apropos of this situation it is pertinent to inquire why the expense of maintaining quarantine at this port should be put upon the city of Boston, when this service is for the benefit, not of Boston alone, but for that of all sections of the country where immigrants or imported merchandise goes? It costs the Boston taxpayers about \$25,000 a year to support our quarantine establishment, not to mention the original cost of the plant, and the annual income therefrom is less than \$5,000. It is a fact that Boston is the only port in the country where the expense of quarantine is borne by the city where the port is located. In New York, Baltimore, and Philadelphia it is supported by the respective States in which these cities are located. At all the other principal ports the expenses and the cost of the plant come out of the Federal Treasury. This is as it should be. The quarantine



systems of all our ports are established and maintained for the benefit of the whole country, and the cost thereof should be borne by the Federal Treasury. This would not only be a more equitable arrangement financially, but it would make far greater uniformity and efficiency in quarantine regulations.

Mr. Chairman, in line with the suggestions made by that editorial clipping, I went to-day to the head of the Public Health and Marine-Hospital service, Dr. Blue, and discussed with him and with Dr. Glennan, who is in charge of the quarantine work, this entire matter of bringing the quarantine station in Boston under Federal supervision, and they have favored me by giving me a memorandum in regard to this proposition relative to the national administration of maritime quarantine. I believe it will help to a clear understanding of this entire proposition if I might be permitted under the rule of the committee to insert this memorandum, without any extended reading of it, and I therefore ask unanimous consent to insert it in the RECORD.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD.

Mr. MANN. Mr. Chairman, reserving the right to object, I desire to ask the gentleman how long the paper is which he wishes to insert?

Mr. MURRAY. Mr. Chairman, in words about 1,100 or 1,200, I should say at a guess; not more than that, and possibly only 1,000.

Mr. MANN. I do not object, but I suggest to the gentleman that if gentlemen want to insert matters entirely irrelevant to a bill which is being read under the five-minute rule that it is better to take the matter up in the House and not insert a lot of extraneous matter in a real discussion of a subject of interest to people.

Mr. MURRAY. May I be permitted to answer the gentleman that I shall assuredly take the suggestion to myself, and further to add that I hope some day to do something in this House which will meet with the unqualified approval of the constant objector from Illinois.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The matter referred to is as follows:

#### MEMORANDUM IN RE NATIONAL ADMINISTRATION OF MARITIME QUARANTINE.

National quarantine is administered under the provisions of an act of Congress approved February 15, 1893, and succeeding acts, and certain acts and Revised Statutes which, in the opinion of the law officers of the Government, have not been superseded by the enactment of the act of 1893, above alluded to.

#### UNIFORMITY.

The distinguishing feature of national quarantine is its uniformity. It is provided in the act of 1893, and in the regulations provided under the same, that the requirements therein imposed by the Secretary of the Treasury shall be accepted and regarded as a minimum requirement at any port in the United States, and while State and local authorities have the right to impose such additional requirements as in their judgment may be necessary, they are forbidden to waive any requirement of the national regulations. This is conducive of uniformity of practice at all of the national quarantines, extending from Maine to New Orleans upon the Atlantic and Gulf coasts, and upon the Pacific coast of the United States, and at quarantine stations of Porto Rico, Hawaii, and the Philippines.

#### ELASTICITY.

The national quarantine service is further characterized by elasticity, i. e., emergencies suddenly arising at any point can be met by the transfer of officers or employees from another point. This is conducive to high efficiency. The officers and employees have been trained under a well-considered and carefully prepared code of regulations. The practice at one port is essentially the practice at all other ports, and does away with the inconvenience of a quarantine officer confronted with an exigency being obliged to devote time that can be ill spared from more important matters to train green, inexperienced subordinates to the proper discharge of important duties. The same remarks that apply to personnel apply to a certain extent to equipment. A sudden call for a quarantine vessel or for quarantine appliances can be met by the temporary transfer of such vessel or equipment from one station to another, the individual items being regarded as component parts of a great whole.

#### EFFICIENCY.

From time to time States and municipalities have surrendered their quarantine function to the National Government, as, for example, Maine, New Jersey, North Carolina, Florida, Mississippi, Louisiana, California, Oregon, and Washington. While these transfers or surrenders have all been made in accordance with law and with the full acquiescence of the constituted authorities of the various States, such transfer has not always been without local opposition. A careful review of the transactions and operations of the stations as transferred has always led, upon dispassionate investigation, to the belief that the efficiency of the service has in no case ever been impaired, but has always shown a marked improvement satisfactory to all interests concerned, such as health authorities, mercantile organizations, and shipping interests.

#### ECONOMY.

First. As a rule, while a high state of efficiency has been obtained, a standard of economy has been observed. By zealous, well-directed effort national stations are economically administered. With no local interests to subserve, a high state of discipline is maintained, and the stations operating with small but sufficient forces of trained employees are not subjected to the demands of local influence and the maintenance of employees other than those of demonstrated efficiency.

Second. A State or local quarantine system transferred to the National Government is a direct elimination of expense to the State or

municipality. The necessary expense of operation is spared to the State or municipality and the entire expense of the maintenance of the quarantine are paid from appropriations made by the Congress of the United States.

Third. The saving to commercial interests is great. No fees are charged at national quarantine stations to be borne by vessels. Inspections, disinfections, and the treatment of cases of quarantinable diseases removed from vessels at quarantine stations are without expense to the commercial interests. The economy is thus exhibited in two aspects, namely, a direct saving in the matter of outlay to State or municipality and an absence of fees or indirect tax upon commerce.

#### COOPERATION.

National quarantine is an integral part of a great national system in the relations of the General Government to commerce. All of the coordinate branches of the Government come into direct relation with the national quarantine system, namely, the collectors of customs of the various ports, the Immigration Service, the Revenue-Cutter Service, and the Life-Saving Service. From time to time these branches of the Government are called upon to render important aid in various ways to the national quarantine system. In the matter of immigration, arriving aliens pass directly from the supervision of the quarantine service to another national service—the Immigration Bureau; officers of the Revenue-Cutter Service and the vessels of that service can be made immediately available for aid to the quarantine service by the order of the Secretary of the Treasury. The Life-Saving Service with its highly trained organization may in time of stress be called upon to assist the operations of the quarantine service by the reporting of vessels, by the patrolling of the coast in time of the threatened introduction of epidemic disease, and important functions in the matter of bills of health and the entry of vessels from foreign ports where quarantinable diseases prevail is under the charge of the collector of customs, who are in close touch with national quarantine authorities.

#### EQUIPMENT.

National quarantine stations may be divided into two general classes—boarding and inspection stations at smaller and less important ports, and fully equipped quarantine stations at or near the large ports of entry of the United States. The requirements of a fully equipped quarantine station under the national regulations are comprehensive, and a vessel arriving at a national quarantine station with quarantinable disease on board, and where full facilities do not exist for the treatment of such an emergency, is remanded without delay to a near-by or adjoining national quarantine station fully prepared to meet all emergencies.

Extract from quarantine law of February 15, 1893:

"SEC. 8. That whenever the proper authorities of a State shall surrender to the United States the use of the buildings and disinfecting apparatus at a State quarantine station the Secretary of the Treasury shall be authorized to receive them and to pay a reasonable compensation to the State for their use if, in his opinion, they are necessary to the United States."

Extract from quarantine law of August 18, 1894:

"SEC. 5. That in any place where a quarantine station and plant is already established by State or local authorities it shall be the duty of the Secretary of the Treasury, before selecting and designating a quarantine station and grounds and anchorage for vessels, to examine such established stations and plants, with a view of obtaining a transfer of the site and plants to the United States, and whenever the proper authorities shall be ready to transfer the same or surrender the use thereof to the United States, the Secretary of the Treasury is authorized to obtain title thereto or possession and use thereof, and to pay a reasonable compensation therefor if, in his opinion, such purchase or use will be necessary to the United States for quarantine purposes and the quarantine stations established by the authority of this act shall, when so established, be used to prevent the introduction of all quarantinable diseases."

Mr. FITZGERALD. Mr. Chairman, I am not aware of the contents of the paper of Dr. Blue, but lest there might be a misapprehension that there is a uniform desire that the quarantine systems of the several States be taken over by the Federal Government I wish to say a word at this time. If there be anything of importance to the people of any city or State, it is to have control of its quarantine system. There are some men so far forgetful of the importance of this matter and so little familiar with the history of the development of the free institutions of this country that they are even now in the city of New York advocating and urging legislation to have the Federal Government take over the control of the quarantine system in the State of New York.

Mr. MURRAY. Mr. Chairman—

Mr. FITZGERALD. I yield to the gentleman.

Mr. MURRAY. Mr. Chairman, I just want to say to the gentleman from New York that I hope that I will not be misunderstood as being in favor of changing the situation in Boston. My only hope was that this memorandum would give a better understanding of the situation in Boston than might exist without it. That is my only purpose.

Mr. FITZGERALD. I am not criticizing the gentleman. I am speaking about a situation that exists in my own State. Without knowing what is in the paper submitted by the gentleman from Massachusetts, but having followed what the gentleman has said, it would seem as if there were protests in Boston against supporting the system and favoring its maintenance out of the Federal Treasury. To a city of over 4,000,000 people, with a port through which comes the great bulk of the immigrants to this country, there is no more important matter in the administration of its public affairs than the protection of the people against infection from those coming to this country. That is the situation in New York. I am so thoroughly convinced that this is a matter that should be controlled by the people of the locality and States and not be surrendered by



them to the Federal Government that I hope those who have thoughtlessly believed that this would relieve the people of some financial burden by having this work devolve upon the Federal Government will give some consideration to the other aspects of the case rather than to the mere question of financial burden.

The tendency throughout the country to shift the cost of every important governmental service on the Federal Treasury is tending to make the people forget the importance of keeping power and control of many services close to themselves. It will be a sad day for the city of New York if the people of that State forget the importance of retaining the control of its quarantine and health service and join in this movement to have the Federal Government control it. I say this, Mr. Chairman, because I know in the Legislature of the State of New York very recently resolutions have been offered and considered—I am not certain whether they have been adopted—urging legislation to enable the Federal Government to take from the State, or relieve the State from, responsibilities and duties of the utmost importance to the people, and which should be performed by the State. There is no unanimity of sentiment in favor of giving this power to the Federal Government, and I speak thus briefly to emphasize this fact.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

For experiments and investigations of range conditions within national forests, and of methods for improving the range by reseeding, regulation of grazing, and other means, \$18,420.

Mr. RAKER. Mr. Chairman, I move to strike out all of line 15, on page 46, and insert in lieu thereof the following words: "Twenty-five thousand one hundred and eighty dollars."

The CHAIRMAN. The Clerk will report the amendment of the gentleman from California.

The Clerk read as follows:

Page 46, line 15, strike out all of line 15 and insert in lieu thereof the words: "Twenty-five thousand one hundred and eighty dollars."

Mr. LAMB. Mr. Chairman, we made no change there and gave these people exactly what they asked.

Mr. MANN. It is just what it is in the current law.

Mr. RAKER. No.

Mr. LAMB. That is right.

Mr. RAKER. I expect the safest way is to read the record. The amount in the current law—

Mr. MANN. It is the same as the present law.

Mr. RAKER (continuing). Is \$18,420. Now they put in the estimate \$25,180, on page 141. I wanted to present it to the committee—

Mr. LAMB. It is exactly as much as the current law.

Mr. RAKER. I understand the amount in here is as it is under the current law. But I want to state to the committee the reason and the necessity for this increase. The Forester was before the committee and gave his testimony. You will find it on pages 323 and 324. He states that they are making scientific investigations for the purpose of improving the ranges that they are getting such a large amount from at the present time. At the bottom of the page he states:

That increase is primarily for an extension of these grazing studies we are making in the individual forests, to meet an increasing demand from the stock growers.

Now, this is the only item you will find from the many, many stock growers and permittees that are asking that the ranges be put in condition that they may get some return for the money invested. The department is urging that they be given this amount that they may improve the range conditions. They put it in their estimates and presented it before the committee, and the committee, in their wisdom, in the interests of economy, took out the amount. I believe when the facts are presented the amount ought to be the same as it was in the estimate. Let me read you a statement from the Forestry Department:

This appropriation is to provide for the continuance of the investigations and experiments initiated for the purpose of increasing the grazing capacity of national forest lands by the restoration of overgrazed areas, the introduction of new forage grasses and plants, the determination of better methods of range management and control, the construction of pastures and drift fences, the development of new sources of water supply for live stock, and the extermination of range-destroying rodents and predatory animals.

The estimated annual product of the stock grazed within the national forests is in excess of \$20,000,000, which is shared by more than 25,000 permittees. An increase of 5 per cent in the forage-producing capacity of the national-forest lands will add to the wealth of the communities adjacent to the national forests a sum largely in excess of the total cost of all of the investigations.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAKER. Mr. Chairman, I have another document from the Department of Agriculture upon this subject, and I would like unanimous consent for five minutes so that I may present it to the committee.

The CHAIRMAN. The gentleman from California asks unanimous consent that his time be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. RAKER. It is as follows:

In 1911, 7,449,415 head of sheep and goats and approximately 1,493,438 head of cattle and horses were grazed on range within national forests. The estimated annual production of these stock is 52,000,000 pounds of wool, worth \$7,800,000; 4,470,000 lambs or sheep, worth about \$11,000,000; and 298,700 head of cattle and horses, worth about \$6,000,000; a grand total of \$25,000,000.

Although a great amount of investigative work has been done in the past by the United States Government, State institutions, and by individuals to determine the most efficient feeds and feeding methods for application to the raising of stock on the farm and in the feed lot, almost no attention has been given, in the way of investigation, to the improvement of the vast areas of range now within national forests, or to the methods of handling the stock, so as to get a higher efficiency from the forage produced.

Although the range within national forests has improved during the past seven years, as a result of preventing continued overstocking and by carefully regulated use, a great portion of the area is still far below a condition of maximum productivity.

The grazing studies investigations, undertaken by the Forest Service in 1907, were designed to develop methods of range improvement by seeding to cultivated forage plants, by developing systems of grazing which will permit of utilizing the forage and at the same time bring about improvement of range by natural reseeding of the native plants, and to improve the methods of handling the stock so as to eliminate all unnecessary waste of forage in utilization.

The essential principles to be followed in improvement have been worked out in special localities by the two men assigned to the investigations prior to 1910. A rotation system of grazing resulting in great improvement of partially depleted ranges by natural reseeding has been found practicable. Also it has been found that by more careful handling of stock, especially sheep, the carrying capacity of our grazing lands can be increased approximately 15 to 25 per cent, depending upon locality, type of range, and water facilities.

Now, to interpolate, if you can increase your range facilities from 15 to 25 per cent, you can imagine what a large amount that is. And these two men who have been employed by the Forest Service will be cut off if this appropriation is not allowed. And it seems to me in all fairness to this great industry, the stockmen's industry, where you are selling your pasturage, where practically all the pasturage belongs to the Government, where you are charging the cattle and sheep men and the horse-men so much per year for range—

Mr. BOWMAN. Will the gentleman yield for a question right there?

Mr. RAKER. I will.

Mr. BOWMAN. Is not \$24,000 a very small amount to spend upon an area that is greater than New England and the State of New York for the improvement of grasses?

Mr. LAMB. That is just one little item. That is not all.

Mr. RAKER. This is for two men. The record shows they have two men who have given two years of study to this work. And I want to say to you they are accomplishing wonders. Why should we cut off this important work at this time, when we are trying to lease the forest ranges and get some benefit from them?

Mr. LAMB. So far from cutting it off, we are giving them exactly what the current law requires. I do not think it would have hurt if we had cut it off somewhat, or had cut it out entirely.

Mr. RAKER. The gentleman does not quite present the matter as it is.

Mr. LAMB. The gentleman may think so, but I do not think so.

Mr. RAKER. Now, Mr. Chairman, as to all these questions where I have been discussing the cutting down of the amounts for the Forest Service in my district, I was told that the Forest Service recommended certain sums, and because they recommended those sums, they knowing their business and knowing what they wanted, the committee relies upon that information, which they have a right to rely on, and accordingly they cut these items. But now when we come in here with a report of the Forest Service, recommending and asking that this increased amount be given them, ought not the committee to follow that recommendation?

Mr. LAMB. That statement, Mr. Chairman, is absolutely misleading. We did not give everything that the Forester asked. I said to the gentleman that the lump sum was apportioned by the Forester himself.

Mr. RAKER. Oh, what is the use in discussing that? I do not like to get into controversy with the chairman of the committee.

Mr. LAMB. We did not give the Forester everything he asked. The lump sum was apportioned by himself.

Mr. RAKER. When I read the record one time and then read it the next day, they say it is not there.

Mr. FITZGERALD. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from California yield to the gentleman from New York?

Mr. RAKER. Yes.



Mr. FITZGERALD. I understand the gentleman's position is that the Congress should appropriate the amounts requested by the department?

Mr. RAKER. No. That is not my position.

Mr. FITZGERALD. The gentleman is asking that this amount be fixed in accordance with the amount recommended by the Forest Service?

Mr. RAKER. No. That is not it.

Mr. FITZGERALD. What is it?

Mr. RAKER. I will explain that, in presenting a half dozen matters here to the committee, I was met, and successfully met, by the committee with the statement that the Forest Service had recommended so and so and that they stood on the recommendations of the Forest Service—

Mr. LAMB. No; the gentleman is mistaken. He was discussing the bill, and particularly the sums assigned by the Forester to each one of these forests. We appropriated the lump sum.

Mr. RAKER (continuing). And that, when the estimate is brought in and the department asks for an increase, so that they can continue their work, I then rely upon the Forest Service's estimate, thinking, as I do, on the statement made by the committee, that they have to rely upon the information received from the Forest Service in order to make their estimate upon it. That is my position.

Mr. FITZGERALD. If Congress should adopt the estimates submitted by the departments, it would be futile for us to go through the form, at least, of exercising our own judgment to determine how much should be appropriated for any particular service. Let me suggest to the gentleman from California that after he has studied longer the estimates and investigated the necessities of various services he will not rely so confidently upon an estimate as a criterion of the amount that should be appropriated for any service.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAKER. Mr. Chairman, this is an important matter, and I should like to have five minutes more on this subject. I then shall not take longer time.

Mr. LAMB. The gentleman has had 10 minutes already.

Mr. RAKER. Yes; but I yielded to every man who wanted to interrupt me on the floor to ask questions.

Mr. LAMB. Surely the gentleman can not make complaint about not having had time. We have been just as patient as could be with all the gentleman's statements here.

The CHAIRMAN. The gentleman from California asks unanimous consent to proceed for five minutes longer. Is there objection?

Mr. LAMB. This is a matter of \$5,000. We gave current law for this amount. Anyway, a forester can not do this. A botanist must do this anyhow. Some of these experiments ought to end some time. [Applause.]

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. MANN. What is the request?

The CHAIRMAN. The gentleman from California [Mr. RAKER] asks unanimous consent to be permitted to proceed for five minutes longer. Is there objection?

There was no objection.

Mr. RAKER. I seem to be unable, Mr. Chairman, to present this matter to the committee so that they can understand the conditions. I thought I had made myself perfectly clear, in the first place, when I stated that I was relying upon the facts that were submitted. I was then met with the statement that the department had recommended so much, and therefore there should be no change.

Mr. LEVER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from California yield to the gentleman from South Carolina?

Mr. RAKER. Certainly.

Mr. LEVER. The gentleman from California should take into consideration the fact that the appropriation for this purpose in the act for 1911—

Mr. RAKER. Is the same as it is in the present bill?

Mr. LEVER. No; not at all. It is \$11,820, and in the act of 1912 that sum was increased to the present sum, an increase of 50 per cent. The gentleman, of course, will realize that this is a scientific proposition. It is a study that must be conducted by scientists and experts, and the only thing that could be done, under the amendment suggested by the gentleman, would be to employ perhaps one more expert.

Mr. RAKER. Two, the man says.

Mr. LEVER. Two more experts, who would go out and study the grazing features of the forests. Does the gentleman think that work could not be as well done by the two or three men now doing the work, whose reports are open to the public?

Mr. RAKER. No; I do not think so. The ranges are too extensive and the country is too broad.

Mr. LAMB. If my friend will further excuse me, I will say for the information of the committee that the Bureau of Plant Industry is now doing experimental work right along this very line, and the Secretary in his report says:

The Bureau of Plant Industry rendered indispensable assistance in this work, as also in the study of the very important technical questions involved in the effort to improve the condition of depleted portions of the range.

He refers to this very subject, and the Bureau of Plant Industry is doing a part of this work. If there be virtue in the end to be reached, it seems to me these people who are employed are enough to determine what grasses should be used in these forests. It is a technical and botanical work, and it must end some time. The gentleman from South Carolina [Mr. LEVER] has told you we increased it 50 per cent two years ago—

Mr. RAKER. That is a long question?

Mr. LAMB. I did not ask a question. I got the time from my colleague.

Mr. RAKER. My time is going very rapidly, but then I never object.

Mr. FITZGERALD. Does the gentleman think there are any experts who are not now employed by the Department of Agriculture? [Laughter.]

Mr. RAKER. I think there are some very good experts employed by the Department of Agriculture.

Mr. FITZGERALD. I think they have employed everybody who can properly be characterized as experts in any of these lines.

Mr. BEALL of Texas. If anybody has been omitted, it has been by inadvertence.

Mr. RAKER. In order to put the investigative data into practical application and to adopt a comprehensive plan of improvement and development, as well as to most intelligently continue the investigative work, it is essential that more accurate data be available regarding the grazing resources, acreage and type of range, topography, watering facilities, growing seasons, the vegetation making up the forage, and its requirements of growth, as well as the relation of each grazing area to forest production and to watershed protection. Without these data we will lose efficiency in our efforts because of the vast area under consideration and the variance in local conditions and consequently the variation in methods of management necessary.

As forest management grows more and more intensive it becomes more and more essential that the Forest Service make every possible effort to improve the grazing management, so that grazing will do the least damage to tree reproduction. Otherwise the comparative merits of the interests involved will necessitate the entire restriction of grazing from areas where reforestation is necessary. The force now engaged in the investigative work of grazing is not sufficient to cover the approximately 130,000,000 acres now used for grazing within national forests and work out efficient systems of management within any reasonable period of time. For this reason the increase of \$6,000 was asked for in order to place a man qualified to handle this work in each of the six western districts.

There is no longer any great amount of unused range lands, and it is believed that the present condition of our ranges and our present methods of handling stock can be improved so as to result in the production of from 15 to 25 per cent more beef and mutton on the area now used.

The CHAIRMAN. The question is on the amendment of the gentleman from California [Mr. RAKER].

The question being taken, the amendment was rejected.

The Clerk read as follows:

For the purchase of seed and for seeding and tree planting within national forests, and for experiments and investigations necessary for such seeding and tree planting, \$150,000.

Mr. FITZGERALD. Mr. Chairman, I reserve a point of order on that provision.

Mr. MANN. This item takes the place of the provision in the bill of last year that covered \$166,000.

Mr. LAMB. This is a change of language.

Mr. MANN. I want to ask the gentleman in charge of the bill whether the "seed" referred to in the paragraph is tree seed?

Mr. LAMB. Yes.

Mr. MANN. It does not relate at all to grass seed?

Mr. LAMB. No, sir.

Mr. MANN. Does not the gentleman think that if the item remains in the bill it would be a good idea to insert the word "tree" before the word "seed," so that the department would not be tempted to take a part of this appropriation for the pur-



pose of seeding or reseeded the grass ground covered by the item preceding?

Mr. LAMB. This item is for the seeding with trees.

Mr. MANN. It does not say so, and I think could be used for the other purpose.

Mr. FITZGERALD. Mr. Chairman, I withdraw the point of order. But I wish to inquire of the gentleman why no provision has been made in this paragraph, as there was in the one in the former bill, relating to regulations for the cutting of timber to be paid out of this appropriation. The paragraph of the former bill provided "for silviculture and other experiments and investigations in the national forests necessary for tree planting, for the reproduction of existing forests, and the regulation of cutting." The regulation of cutting of timber in the national forests was paid out of an appropriation of \$166,000. It is amazing how the service branches out in such minute ways under these items. It seems that they start out at the very beginning and as if they never would progress sufficiently far to end. That is why I look with so much reluctance on a change of language such as is proposed here.

Mr. LEVER. We have limited the authority of the bureau in this change of language. It may be that the whole item is subject to a point of order, I do not know.

Mr. FITZGERALD. I have withdrawn the point of order. But the department will never cease requesting money for the purchase of seeds for the replanting of forests.

Mr. LEVER. The gentleman can trust Congress to say how much they will give.

Mr. LAMB. I want to say that I asked that very question when the matter was before the committee.

Mr. RAKER. They will never stop asking for appropriations for that purpose.

Mr. LEVER. We do not want them to stop.

Mr. RAKER. Sure we do not, but let us make it efficient now.

Mr. LAMB. We know what seeds will do to plant in the forests now. These investigations have been carried on for years. Some of them should be finished, and that is why we cut the appropriation.

Mr. RAKER. We think we know; but if you will go out in the barren desert to-day and see trees 2 and 2½ feet in diameter that nobody said would grow there you would be surprised.

Mr. LEVER. We regard this as a most important item in this Forestry Bureau.

Mr. RAKER. We have eucalyptus trees growing out there that would surprise you.

Mr. MANN. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

On page 46, line 16, insert the word "tree" before the word "seed."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. I do that for the purpose of inquiring of the chairman of the committee whether it was the intention of the committee to reduce the amount available for the purchase of seeds and for seeding. I notice the item is reduced \$15,000 in the bill from the appropriation of the current year and \$36,000 in the bill from the estimates, but the paragraph is now confined to the purchase of seeds and for seeding and tree planting and for experiments and investigation along that line. So that the expenditure is limited more than it was or is in the current appropriation.

Mr. LAMB. It is all for tree and seed planting and for experiments; there are two points in it.

Mr. MONDELL. Therefore, it will probably afford as large an amount for the purchase of seed and tree planting as is available in the current appropriation, and possibly more?

Mr. LAMB. Yes.

Mr. MONDELL. I think it should, for this is an important work, as one-third of the national forests are now treeless.

If any considerable portion of that area is to be forested, it will require a very considerable amount of planting for many years to come.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

Mr. RAKER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend by inserting, on line 14, page 46, after the word "grazing," the following: "And for experiments and investigations"

The CHAIRMAN. The Chair will call the gentleman's attention to the fact that the paragraph which he seeks to amend has been passed.

Mr. RAKER. When? I insist that the gentleman from Wyoming [Mr. MONDELL] withdrew his pro forma amendment.

Mr. MANN. The next paragraph has been read and amended.

Mr. LEVER. Mr. Chairman, we have passed that paragraph.

Mr. RAKER. Then, Mr. Chairman, I ask unanimous consent to return to that paragraph that I may offer the amendment. It will take but a moment to present it.

The CHAIRMAN. The gentleman asks unanimous consent to return to the paragraph which he seeks to amend. Is there objection?

Mr. MANN. Mr. Chairman, reserving the right to object, let the amendment be first read.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend by inserting, on line 14, page 46, after the word "grazing," the following: "And for experiments and investigations and determining the best methods for the prevention of offenses committed against the property of permittees within the national forests."

Mr. LEVER. Mr. Chairman, on that I make the point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

For silvicultural, dendrological, and other experiments and investigations, independently or in cooperation with other branches of the Federal Government, with States, and with individuals, to determine the best methods for the conservative management of forests and forest lands, \$83,728.

Mr. RAKER. Mr. Chairman, I move to strike out the last word. I ask unanimous consent to extend my remarks in the RECORD by inserting therein a letter from the Modoc County (Cal.) Stock Association and also the resolutions passed by that association on March 25, 1911; also the letter of the Forester of April 6, 1911, to the president of the stock association and the letter of the stock association to the Forester of date May 7, 1911, relating to the depredations committed on public ranges.

The CHAIRMAN. The gentleman from California asks unanimous consent to extend his remarks in the RECORD by the insertion of certain documents to which he has referred. Is there objection?

There was no objection.

The documents are as follows:

ALTURAS, MODOC COUNTY, CAL., March 10, 1911.

DEAR SIR: The thieving of live stock is becoming somewhat common on that part of the Modoc National Forest Reserve which takes in that part of the Warner Range of mountains lying south of the Cedarville Pass. In fact, it is becoming such a menace to the business of stock raising for those having their ranges in and adjacent to the above-described locality that some of the smaller stockmen have quit the business and others are threatening to do likewise if a stop is not put to such live-stock thieving. Some of the thieves are known and suspicion has marked others; but up to the present time evidence sufficient for a conviction, or even to warrant the arrest of anyone, is not obtainable.

At its first meeting, held in Alturas on March 4, 1911, the Alturas Stock Association, a local association just being organized by the stockmen living in the valleys of the North and South Forks of Pit River, Pit River from Canby east, and in Goose Lake Valley from Davis Creek west, of which I was elected temporary president, I was elected a committee of one to take this matter up with the Forest Service.

We ask that one or more detectives skilled in the detection of such crimes be sent here by the Forest Service to take charge of the operations against such stock thieves looking to the securing of evidence sufficient to get convictions. Such thieving takes place principally during the months of June, July, August, and September.

We have taken notice of the fact that the Forest Service is employing range experts to attend to the improvement of forage plants within the reserves to the end that grazing upon the reserves may become more profitable to the stockmen using such ranges; that it is collecting facts in regard to everything that has a bearing upon grazing, and conducting expensive experiments to establish such facts and methods as will be beneficial to the grazing interests, and will improve and make more valuable the grazing branch of the forest-reserve property of the Government.

Your attention is called to the fact that the thieving of live stock is working directly against the above-described things that you feel to be of so much importance to the grazing interests of the reserves, in that it is discouraging the uses of the ranges thereon and the raising of live stock by the men engaged in the business in a small way whom you are trying to protect.

It has been pointed out to us that it is the duty of the forest rangers to prevent the thieving of live stock upon the reserves. This may be true; but, in the first place, they are not experts in such work; and, in the second place, so much of their time is taken up with other duties that they can not give it the required time. It is an easy matter for a thief to know where a ranger is and to avoid him as he would a vaquero when he is out stealing horses or cattle.

It is the belief of our association that the Forest Service should keep in its employ a certain number of detectives skilled in the detection of and procuring of evidence sufficient to convict live-stock thieves or any other class of thieves operating upon the reserves against its permittees or the purchasers of grazing privileges or timber, and that such detectives should be sent where they are needed to take charge of the ferreting out of all such crimes.

We observe that the Government keeps an organized body of Secret Service men to detect and punish crimes against its currency, its postal laws, its internal revenue, its customs duties, and for other purposes. It sells the range upon the reserves and much of the timber, thereby collecting a revenue which is used in defraying governmental expenses, just the same as that collected from any of its sources of revenue; and any thievery taking place within the reserves against the



users of such ranges and timber is an assault upon those revenues, and the employment of detectives to put a stop to such thievery is but a step in the right direction.

We feel that, as we have paid for the privilege of pasturing our stock upon the reserve and are complying with the regulations in regard to the same, we are entitled to protection against thieves, and that, as the Government has employed a supervisor and his assistants, rangers, and experts, and employees of various kinds and for various purposes to manage its reserves it is but a step further in the same direction to add a sufficient number of detectives to its corps of employees to ferret out all thieving against the purchasers and users of its grazing and timber privileges taking place within the borders of its respective reserves.

Very truly, yours,

W. J. DORRIS.

RESOLUTIONS PASSED BY THE ALTURAS STOCK ASSOCIATION AT ITS MEETING HELD IN ALTURAS ON THE 25TH OF MARCH, 1911.

Whereas by reason of its valleys surrounded by large grazing areas that are rocky, broken, precipitous, and mountainous, and suited to no other uses than that of grazing and timber, the industry of raising live stock is practically the backbone of all other enterprises and the foundation of all prosperity, in Modoc County; and

Whereas the thieving of live stock upon some parts of the Modoc National Forest is becoming so common that it is offering a serious menace to the business of the raising of live stock in the county, some of the stockmen having quit the business and others saying that they are losing nearly all of the increase of their herds every season that they turn their stock out upon those ranges, and that they can not stand it and will have to quit the business if something is not done to put a stop to such thieving; and

Whereas at its meeting held in Alturas on March 4, 1911, W. J. Dorris, temporary president of the Alturas Stock Association, was elected by the association a member of a committee of one to take up the matter of the thieving of live stock upon the national forests with the Forest Service; and

Whereas he, acting in that capacity, has sent a letter to the supervisor of the Modoc National Forest at Alturas, one copy to the district forester at San Francisco, and one copy to the Forester at Washington, D. C., the last two copies having been sent through the office of the supervisor at Alturas, and has secured the promise of the supervisor of the Modoc National Forest to take the matter up with the district forester in a personal interview along the lines set out in the letter above referred to, a copy of which is as follows: Now therefore be it

*Resolved*, By the Alturas Stock Association, at a regular meeting held in Alturas on March 25, 1911, that it is the sense of this association that the Forest Service should furnish detectives, or special-service men, skilled in the detection of such crimes, to operate against such thieves operating upon the national forests; and that we hereby authorize and instruct the committee on thieving to continue in its endeavors and to use all honorable means in its power to secure the sending of such detectives, or special-service men, by the Government to the Modoc National Forest to operate against that particular kind of thieving above referred to; and that, in the opinion of this association, there is nothing that will have a stronger tendency to promote a feeling of good-will among all classes of the users of the national forest for the Forest Service than the protection of its permittees against the above-described thievery.

The above resolution was adopted by the Alturas Stock Association at a meeting held in Alturas on March 25, 1911, at which a quorum of its members, for the transactions of business, was present.

W. J. DORRIS, *President*.

Attest:

W. H. FLOURNOY, *Secretary Pro Tempore*.

UNITED STATES DEPARTMENT OF AGRICULTURE,  
FOREST SERVICE,  
Washington April 6, 1911.

Mr. W. J. DORRIS,  
*President Alturas Stock Association, Alturas, Cal.*

DEAR SIR: Your letter of March 27 is received.

The act creating the various national forests and establishing the powers of the forest officers states very specifically that—

"The jurisdiction, both civil and criminal, over persons within such reservations shall not be affected or changed by reason of the existence of such reservations, except so far as the punishment of offenses against the United States therein is concerned; the intent and meaning of this provision being that the State wherein any such reservation is situated shall not, by reason of the establishment thereof, lose its jurisdiction, nor the inhabitants thereof their rights and privileges as citizens, or be absolved from their duties as citizens of the State."

Under this act it has been repeatedly held by the Forester that the Forest Service can not employ detectives for the prevention or ferreting out of crime on such national-forest lands where the crimes specified are not attempted against the property of the United States. The stealing of live stock belonging to permittees on the national forests can not be considered as an attack upon the property of the United States, and for this reason requests for the employment of detectives of any kind have always been denied. The forest officers are instructed to use all reasonable efforts to assist the local law officers in the detection of criminals and the prevention of crime on the national forests either against the person or the citizens of the State or their property, but beyond this they are not allowed to go. I think that this is the only way in which this question can be handled, for while the Forester would be only too pleased to assist the stockmen in protecting their property by such means, I am sure you will readily see that the same protection might be accorded the citizens residing in the limits of the national forests to their property, their homes, and their lives, which would eventually very seriously complicate the administration of affairs on a national forest within a State.

Very truly, yours,

A. F. POTTER,  
*Associate Forester*.

(Copy of a letter from the Forester to W. J. Dorris in regard to the sending of a detective to the Modoc National Forest to operate against live-stock thieves.)

ALTURAS, MODOC COUNTY, CAL., May 7, 1911.

THE FORESTER, Washington, D. C.

DEAR SIR: Your letter of the 6th of last month was duly received and the contents were carefully noted. The answer has been delayed until the present time awaiting the meeting of the executive committee of our association.

I think that you misunderstood the request of our association that detectives be sent to the Modoc National Forest to ferret out and to secure evidence sufficient to convict all persons guilty of the crime of stealing live stock from the permittees of the said national forest.

It was not our intention to imply that any prosecutions for such crimes should be had in any Federal court or under any Federal statute. I look upon the Federal laws which you quote as sound in principle and fully agree with you that any acts of the Forest Service in violation thereof would certainly lead to complications.

Our request and our desire in the matter is that the Forest Service send detectives to ferret out such crimes committed upon the national forest and to secure evidence against such thieves operating thereon to convict them of their crimes, and that such evidence then be handed over to the proper county or State officers, who will prosecute such offenders.

There is nothing in the Federal law which you have quoted to prevent such action upon your part, and that is all that we need. It will reach the situation. There is nothing in the law of the land, Federal, State, county, or district, of which I am aware, that prohibits any individual whatever, of any nationality or allegiance, from performing the thing that we are asking you to send detectives here to do. A citizen of Japan or the Malay Peninsula would have just as much right in the premises as a citizen of our country—to obtain and present to the proper authorities evidence sufficient to convict a person, any person, guilty of any crime, committed anywhere in these United States, in this case, the crime of stealing live stock from the permittees of the Modoc National Forest.

You call to my attention on the second page of your letter that "the forest officers are instructed to use all reasonable efforts to assist the law officers in the detection of criminals and the prevention of crime on the national forests either against the person, or the citizens of the State, or their property, but beyond this they are not allowed to go." This, of course, is your instructions to the officers and employees of the service.

If you have the right to instruct the forest officers and employees to use all reasonable efforts to assist the local law officers in the detection of criminals on the national forests, it naturally follows that you have the right to send to the national forest where crimes exist men who know to assist them.

If any person on his own initiative has a right to detect crime and secure evidence sufficient to convict criminals, it naturally follows that any officer or employee of the service has a right to take the initiative in the ferreting out of such crimes.

You intimate in your letter that it would not be good policy for you to take up the detection of the theft of live stock upon the national forests because to do so would make the service liable to the same extent for the detection of all other crimes existing on the said forests and therefore would "very seriously complicate the administration of affairs on a national forest within a State."

If it is optional with you as to whether you take up the theft of live stock upon the national forests at all or not, and such appears to be the case from my interpretation of the meaning of your letter, it is likewise optional with you as to whether you take up any crime or not. This being the case, you have the authority to take up or let alone any crime, or any series of crimes, as the needs of the case and the circumstances surrounding it may warrant you in the action decided upon. You can take up the thieving of live stock and leave all other crimes alone; you can take up all other crimes and leave the thieving of live stock alone. Should you decide to take up the thieving of live stock and assist the stockmen to convict such thieves, you have the authority to say whether the practice is carried on in any particular locality to the extent that will warrant your interference in the matter or not. You can go to the point where complications begin and then stop. You can take the whole matter up or you can let the whole matter alone. Your authority is ample.

You have decided to take the matter up and have ordered the officers and employees of the service to assist in the detection of crime committed upon the national forests. We are asking you to go a little further and send men who know how to assist in the detection of the one particular crime that almost always goes unpunished, that of "rustling live stock" upon the national forests. We think that it is good policy upon the part of the Forest Service to do this. The service will always be intimately associated with the grazing interests of the country.

At any rate the elemental difference existing between the crime of stealing live stock and other crimes is sufficient to protect you from complications with other crimes.

The Forest Service has taken charge of the ranges lying within the national forests and manages the grazing thereon and the use to which the stockmen may put the ranges. For all this the stockmen are paying a grazing fee. The value of that management to a community is largely determined by the increased revenues of the stock business of a man so using the ranges on the national forests over what it was before the establishment of such reserves. If such thieving is permitted to continue the said revenue is either entirely cut off or reduced to a point where a very bad showing is made, and the stockman feels that he is paying for something that he is not getting.

The evidence of nearly all other classes of crimes than that of the stealing of live stock is so much more easily obtained and the laws for the punishment of such other crimes are so much better enforced that the crime of the stealing of live stock stands in a class by itself. Such other crimes are usually committed in the communities or near the habitation of man, and every man near the place where such a crime has been committed assists in the bringing of the offender to the law. Many of the arrests made for the committing of such crimes are made upon the warrant of some neighbor. You may follow it down the entire line of offenses against the law, and you will observe that all of the crimes against man and his property in the rural districts are pretty well detected and punished, until you come to that of "rustling," and the difficulty of getting convictions in the latter offense is the reason that it is not better handled.

The ownership of live stock is, with rare exceptions, determined by a brand or a brand mark. Live stock is allowed to roam during the grazing season far from any human habitation, and some stock, no doubt, is not seen from the time that it is turned out the ranges until the first snow in the early part of the winter drives it into the open country. The large areas of rough, broken grazing land, full of mountains and canyons and timber, and uninhabited, make it an easy matter for thieves to watch their opportunity to dodge ranchmen, vaqueros, and others that may be in charge of such stock, and slaughter one at a time and dispose of the carcass in some handy market or drive the stolen animals to remote places where their brands are not known and sell them. In slaughtered animals the hide containing the mark and brand is very easily disposed of, which leaves no evidence of owner-



ship. Unbranded calves may be driven away from their mothers, weaned, and stolen under cover of the uninhabited stock ranges. Branded stock may be gathered in small bunches from the more unfrequented places where it is found upon the ranges and driven across the long expanses of uninhabited country leading therefrom to a place where the brands and marks are not known, and sold with but little danger to the thief.

The local machinery established for the enforcement of the laws is wholly inadequate for the capture of such thieves. By a careful analysis of the situation you will readily see that it is almost wholly beyond the control of the stockman himself.

The situation, it appears to me, can only be reached by detectives skilled in such work who will give their entire time to a given case or locality until some result is obtained. Such detectives are not to be found among the stockmen nor are they provided for in the local governments.

The Forest Service, by its present organization, is in a better position to furnish such detectives and handle the situation effectively than any other way that presents itself to us or of which we have knowledge. A detective skilled in such work, whose purpose would not be known in the community, and who would work in conjunction with the local forest service, it appears to me, would reach the situation.

In your letter you stated in substance that the Forester would be only too pleased to assist the stockmen in protecting their property if he had the authority to do so and could do so without "seriously complicating the administration of affairs on a national forest within a State." We have carefully considered the matter, and for the reasons herein given, think that the Forester has ample authority to do what we have asked of him, and also that favorable action upon his part in the matter will not seriously complicate the affairs of the Forest Service.

We therefore ask you to reconsider your decision in this matter and send a detective to the Modoc National Forest to secure evidence against those criminals guilty of the theft of live stock thereon sufficient to convict them of their crimes.

If you are not fully convinced of the expediency of such a move in this matter, we ask you to make the experiment, and then, if you find that it works badly, is time enough to recall such detective and decline to take up such matters in the future.

Yours, truly,

W. J. DORRIS,  
Committee of One on the Theft of  
Live Stock on the Modoc National Forest and  
President of the Alturas Stock Association.

Mr. RAKER. Mr. Chairman, just one word and I am through with this matter. I desire to call the attention of the committee to this fact, that there are many, many thousands of permittees who use these ranges. Gentlemen should understand the extent of some of these ranges, as they contain from seventy-five to one hundred or one hundred and fifty thousand acres of land. The Government has retained charge and control of them, with a supervisor and rangers. These stockmen, cattlemen, and horsemen are permitted to put their stock upon these ranges by paying a certain fee. The Government sends out its supervisor and its rangers, and this provision was for the purpose of having these men now riding upon the ranges make report to the supervisor, that he in turn might report to the sheriff and the district attorney. People from Nevada, Oregon, and Idaho come into my State, and reversing that, in the ranges, they go from my State into those States—from one State into another. They are in the habit of taking the property of these permittees, when they are doing legitimate business and paying for the privilege, and while the Government has agents on this land, riding over it. It seems to me that you ought to permit these officers and request them to give information to the supervisor in order that the property of these people from whom you are receiving money should have some consideration.

I withdraw the pro forma amendment.

The Clerk read as follows:

For the construction and maintenance of roads, trails, bridges, fire lanes, telephone lines, cabins, fences, and other improvements necessary for the proper and economical administration, protection, and development of the national forests, \$275,000.

Mr. LAMB. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read, as a separate paragraph.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert as a separate paragraph, between lines 10 and 11—

Mr. MANN (interrupting the reading). Mr. Chairman, I rise to offer a preferential motion. That is a new paragraph, and I desire to offer an amendment to amend the paragraph just read by striking out, in line 10, the "\$275,000" and inserting in lieu thereof "\$500,000."

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 47, line 10, strike out the words "two hundred and seventy-five thousand dollars" and insert in lieu thereof the words "five hundred thousand dollars."

Mr. MANN. Mr. Chairman, I would suggest to the gentleman that if he desires to let this be passed over, that may be done. There will be some discussion on this, and we shall want a vote upon it.

Mr. LEVER. Mr. Chairman, I suggest that we do that, that we pass over that item without prejudice, and read the balance of the subject under consideration.

Mr. MANN. Mr. Chairman, I ask unanimous consent to pass the paragraph just read, without prejudice, until after we have line 7, on page 48.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to pass the paragraph under consideration until after the reading of line 7, page 48. Is there objection?

Mr. RAKER. Mr. Chairman, reserving the right to object, I desire to ask the gentleman from Illinois a question. Do I understand that this will not prevent any further amendments to the paragraph?

Mr. MANN. Oh, no. I merely asked unanimous consent that the paragraph be passed over.

Mr. LAMB. Mr. Chairman, I ask for the reading of my amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Virginia.

The Clerk read as follows:

Insert as a new paragraph between lines 10 and 11, page 47. "Any contract or agreement heretofore or hereafter made for the sale of timber or other product of the national forests may be modified, altered, or canceled by the Secretary of Agriculture upon the application of the purchaser whenever the purchaser shall show to the satisfaction of the Secretary that owing to conditions beyond the purchaser's control and arising subsequent to the execution of the contract, the enforcement thereof will work serious hardship or injustice to the purchaser: *Provided*, That the United States shall in all such cases be fully reimbursed for any expenditures or damages incurred in connection with said contract: *Provided further*, That in no case shall the stumpage price stipulated in the contract or agreement be reduced by such modification or alteration: *And provided also*, That nothing herein shall be construed to limit the authority of the Secretary of Agriculture to modify, alter, or cancel any such contract or agreement for violation of its terms."

Mr. FITZGERALD. Mr. Chairman, I reserve a point of order.

Mr. LAMB. Mr. Chairman, this is an amendment which will work better for the whole Forest Service, and I desire to read a part of what the Secretary says—

Mr. FITZGERALD. Let us see about that.

Mr. LAMB. I read what the Secretary says:

DEPARTMENT OF AGRICULTURE,  
OFFICE OF THE SECRETARY,  
Washington, D. C., January 15, 1912.

Hon. JOHN LAMB,  
House of Representatives.

MY DEAR COL. LAMB: There is attached a suggested amendment to the appropriation bill for this department now under consideration by your committee.

An exhaustive investigation of legal authorities conducted by the Solicitor of this department has shown that I am without authority to modify or cancel a contract for the purchase of timber on the national forests unless such modification would clearly be advantageous to the interests of the United States affected by such contract, or unless the conditions affecting the operation of the contract have been changed because of some act of the United States. This conclusion has been corroborated by the Comptroller of the Treasury.

Numerous cases have arisen in the administration of timber-sale contracts in which a modification of their terms is desirable to relieve the purchasers from serious hardship, but can not be made under the existing legal restrictions. In a typical case in point, now under consideration, a certain body of national-forest timber was purchased with a view to supplying local mines with timbers. The subsequent shutting down of the mines has absolutely destroyed the market for the timber cut. To force the purchaser under such conditions to comply with his contract as originally framed would be to cause him to incur a total loss of all money expended in cutting and removing the material. In such cases I desire authority to relieve the purchaser of hardship by modifying the terms of the contract so as to reduce the amount of timber which he is required to cut.

The suggested amendment has been so worded, in my judgment, as to protect the United States from possible injury arising from abuse of this authority. It is designed to cover only cases where circumstances arising subsequent to the execution of the contract, and wholly beyond the control of the contractor, would cause him serious loss if he is compelled to carry out the agreement as originally framed. Such action is not consistent with the honor of the United States or with the policy of justice and fair dealing which should be followed in transactions with national-forest users. Nor is it, in my judgment, consistent with the intent of Congress in its legislation regarding the national forests, which, generally speaking, is designed to promote the use of the national forests for the benefit, not the injury, of American citizens.

I hope that this amendment will, therefore, receive your favorable consideration.

Very sincerely, yours,

JAMES WILSON,  
Secretary.

Mr. FITZGERALD. Mr. Chairman, I do not agree with the conclusions of the Secretary. There are much more serious cases than the one cited, which have arisen in other branches of the Government service. In the furnishing of supplies to the Army and Navy instances have arisen where the enforcement of contracts would work great hardships upon contractors. I recall a case, of which I have particular knowledge, where a contract was made to furnish bread to the Navy Department for a year. After the contract had been made, because of certain peculiar conditions the price of flour rose very materially and the person who made the contract desired to be relieved of it, because he would suffer a loss. The request, of course, was properly refused. The enactment of such a provision as this would make men much less careful in entering into contracts



with the Government for the purchase of timber. I do not know the manner in which the contracts are now made, but if this timber is sold on competitive bids, the fact that if conditions changed the man getting the contract might be relieved of an onerous contract and the loss fall on the Government rather than on him would make men extremely reckless in their attempts to secure such contracts. I do not believe this sort of legislation should be incorporated in this bill.

Mr. LAMB. Where would we get legislation to relieve just such a condition as this?

Mr. FITZGERALD. I do not believe there is any equity in favor of a man under such circumstances.

Mr. LAMB. If the gentleman from New York were to give a little time and attention to this matter, I think he would agree with the views expressed by the Secretary.

Mr. FITZGERALD. I would not. I have gone into it very fully in connection with other departments of the Government.

Mr. LAMB. I asked the Secretary to give me some concrete cases in regard to this matter for fear that objections would be made here. He furnished me with the following:

JANUARY 17, 1912.

MEMORANDUM CONCERNING BIGHORN TIMBER CO. SALE.

The Bighorn Timber Co., of Ranchester, Wyo., in July, 1909, entered into a contract with the Forester to purchase 100,000,000 board feet of timber from the Bighorn National Forest. The contract provided that all the timber should be cut within a period of five years, and at least 15,000,000 board feet should be cut during each year of the life of the contract. The requirement of a minimum amount to be cut each year is inserted in all Forest Service contracts to insure bona fide operations and to prevent the possibility of the purchaser holding the timber uncut for several years for speculative purposes.

Practically all of the timber cut by the Bighorn Timber Co. under its contract is manufactured into ties, which have from the beginning been sold to the Chicago, Burlington & Quincy Railroad, the only railroad through this portion of the country. A very small percentage of the timber from this sale, consisting of some rough lumber and mining props, can be sold to purchasers other than the railroad, but these other purchasers can use only a very small fraction of the timber cut and manufactured annually by the company. The success of the Bighorn Timber Co.'s operation is therefore absolutely dependent upon the market afforded by the Burlington Railroad Co. for railroad ties. When the timber company executed its contract with the Government it had every reason to believe that the railroad would continue to purchase ties in such amounts annually as would permit the company to carry out its contract with the Government.

The Bighorn Timber Co.'s last contract with the Burlington Railroad for the purchase of ties by the railroad expired in June, 1911. The timber company fully expected that the railroad would renew its contract as it had done on previous occasions. Contrary to these expectations, the timber company was informed in August, 1911, by Vice President Byram, of the Burlington, that his railroad had on hand a large surplus of ties which would be sufficient to supply the present needs of the company for maintenance and new construction for the years 1912 and 1913, and that the railroad would not consider for the present continuing its purchases of ties. It is evident that the general policy of retrenchment which the railroads throughout the country have adopted has operated to curtail present purchases of ties. The Burlington Railroad has, however, informed the Bighorn Timber Co. that it would renew its purchases of ties in 1913, but not before that time.

In brief, the action of the railroad company has swept away the market upon which the Bighorn Timber Co. was absolutely dependent for the sale of its timber. The timber company has recently applied for an extension of time on its contract with the Government so that it may suspend operations for one year, after which period it expects to renew operations to cut timber for sale to the railroad in 1913.

The situation described has been carefully investigated by the Forest Service, and the statements of the Bighorn Timber Co. with regard to the loss of their market have been verified. It is manifestly impossible for the timber company to cut 15,000,000 board feet of timber a year for which they can find no market. To attempt to cut such an amount of timber and hold it for future sale would involve the investment of a very large amount of money in stumpage and logging costs with no immediate returns. Furthermore, when the railroad resumes its purchases it will not buy an accumulated surplus of ties, but only such an amount as the timber company will produce in the course of an ordinary year's operation.

The timber company is in no manner responsible for the situation which has developed, and it is clearly impossible for the company to continue its operations as contemplated by the original contract. To attempt to force the company to perform the obligations of its contract under these circumstances would appear to be gross injustice. It seems clear that in cases such as these the Secretary of Agriculture should have the authority to modify, within his discretion, the terms of a contract so that the purchaser would not have to suffer hardship and financial loss. In this case such modification, which would consist of an extension of time of a year or a year and a half for the performance of the contract, would not entail any loss to the Government, since the sale of the timber would only be postponed but not canceled. On the other hand, if an attempt should be made to force the company to carry out the contract under the impossible conditions existing, it is extremely probable that the company would at once become insolvent and be forced out of business. In such an event the Government would have lost this immediate opportunity of selling the timber under contract, and it would undoubtedly be some time before another purchaser might be found for this particular body of timber.

JANUARY 17, 1912.

MEMORANDUM CONCERNING SALE OF TIMBER TO MR. ORLEANS LONGACRE, SR.

On November 11, 1909, Orleans Longacre, sr., entered into a contract with the Forest Service to purchase approximately 150,000 board feet of saw timber and 3,000 linear feet of mining stulls on the Prescott National Forest, Ariz. By the terms of the contract all cutting was to be completed on or before July 1, 1910. This timber was purchased for the purpose of supplying local mines, which furnished the only market for it. After he had cut approximately one-half of the timber,

these mines, to which he sold his product, discontinued operations. He was therefore left with no market whatsoever for his timber.

These conditions, which forced Mr. Longacre to abandon operations before he cut all of the timber included in the sale, could not have been foreseen and were wholly beyond his control. If he were forced to cut all the timber covered by the contract he could only have piled it and let it decay. Investigation has shown that failure to complete his contract would result in no damage to the United States.

In this and similar cases it seems clear that the Secretary of Agriculture should be given authority to relieve the purchaser from a serious hardship by modifying the contract so as to reduce the amount of timber covered by it.

The Secretary says:

DEPARTMENT OF AGRICULTURE,  
OFFICE OF THE SECRETARY,  
Washington, D. C., January 18, 1912.

Hon. JOHN LAMB,  
House of Representatives.

MY DEAR COL. LAMB: Reference is made to my letter of January 15, inclosing a suggested amendment to the appropriation bill for this department, and to Associate Forester Potter's conference with you regarding this matter of January 16.

I inclose statements regarding two specific timber-sale contracts which serve as examples of cases in which I believe I should have the necessary authority to modify contracts to relieve purchasers from serious hardship.

The case of the timber-sale contract with Mr. Orleans Longacre, sr., is the case referred to in my letter of January 15, and the Bighorn Timber Co. sale is the case mentioned to you by Associate Forester Potter.

Very sincerely, yours,

JAMES WILSON,  
Secretary.

Then I have a further communication from the Chief Forester that I will insert, for this is an important matter and should be provided for in this bill:

UNITED STATES DEPARTMENT OF AGRICULTURE,  
FOREST SERVICE,  
Washington, March 8, 1912.

Hon. JOHN LAMB,  
House of Representatives.

MY DEAR COL. LAMB: In further reference to Secretary Wilson's letter of January 15, suggesting an amendment to the appropriation bill for the department which would authorize the Secretary to modify timber-sale contracts where such action is necessary to relieve purchasers from serious hardship:

Under a decision rendered by the Comptroller of the Treasury on December 27, 1910, and in accordance with other existing legal authorities and precedents, the authority of the administrative officers to modify the terms of timber-sale contracts is restricted to exceedingly narrow limits. In effect, sale contracts can not be modified unless such action is clearly to the immediate, technical interests of the United States as defined in the specific transaction. Not only are broader considerations of equity and fair dealing with purchasers eliminated, but also the broader and permanent interests of the United States in developing a market for national forest stumpage and encouraging its sale by dealing equitably with its purchasers.

The latter feature of the present situation is extremely serious. With our present limitations in adapting sale contracts which have been made to subsequent conditions, unforeseen at the date of the execution of such contracts, I fear that the Forest Service will be seriously handicapped in its efforts to increase the sale of national forest timber. Reports have been received from practically every district indicating that the restrictions in this regard will prevent lumbermen from buying national forest timber and will result in the suspension of operations in a number of sales which have been made. In these cases the United States will be forced to cancel the contract at its own initiative and perhaps resort to action at law to recover damages sustained through such termination of the sale.

The object of the proposed amendment is not to favor purchasers of timber in any way detrimental to the public interests. It is to enable the department to adapt its sale contracts to actual conditions, which necessarily change from time to time, and to deal equitably with its purchasers in these matters. I can not emphasize too strongly that this action is necessary to put our sales business upon a permanent basis and increase its volume to the amount which is desired. If this legislation can not be secured we will be under a serious handicap in selling national forest timber, which I fear may result in a material reduction of the receipts which would otherwise be possible from this source.

Very sincerely, yours,

H. S. GRAVES, Forester.

Mr. FITZGERALD. This is simply giving the prospective contractor of the Government advantages he would not possess with anybody else, making it impossible for him to lose, and in case there is to be a loss it must fall on the Government.

Mr. LAMB. In my judgment, it is simply giving to the Secretary of Agriculture the power to rearrange or modify contracts just as you and I as individuals would have to do if certain contingencies arose over which we would have no control. That is the whole statement.

Mr. FITZGERALD. If the gentleman from Virginia owned a tract of timberland and made a contract for sale at a specific price, he would not be very much interested in relieving the purchaser from his contract obligation if the person with whom he made the contract informed him subsequently that the market he expected to place this timber in for some reason or other had failed to materialize. This very contract might have prevented some other person making an equally advantageous contract by which his timber would have been taken.

Mr. LAMB. I think, Mr. Chairman, I have made perhaps as many timber contracts as any individual here. I have cut millions of feet of timber and made all sorts of contracts. And this provision, I confidently say, is one that would hold good between two honorable private citizens negotiating a con-



tract or sale. And to save my life I can not see why there should be any objection to it. If it worked harm in 12 months, we could change it again, and I do not see that there could be any objection to complying with what has been carefully considered by the solicitor of the department, recommended by the Secretary of Agriculture, and advised and suggested by the Chief Forester.

Mr. BEALL of Texas. I have very great confidence in the Secretary of Agriculture and the Solicitor and the Chief Forester, but I think it would be very unfortunate for an amendment of this kind to be adopted because I think it would be unfair to the Government and would necessarily lead to very great abuses in which the Government would greatly suffer.

Mr. HUGHES of New Jersey. Will the gentleman yield there?

Mr. BEALL of Texas. Yes, sir.

Mr. HUGHES of New Jersey. I gathered from what the gentleman from Virginia said that a condition might arise where the Government, in view of the needs of a certain locality, might permit a certain amount of timber to be cut. Perhaps it would not care to have it cut, but in response to the needs of that particular locality would enter into contract for the sale of timber, and in case of beginning operations it would become apparent that the timber was not needed. The Government, perhaps, is not at all anxious to sell its timber, and yet under the rigid terms of the contract a man would be compelled to go on and cut timber and take timber that the Government would rather have standing.

Mr. LAMB. But the gentleman is stating a hypothetical case.

Mr. FITZGERALD. If the Government would prefer not to have the timber cut or sold they would never make the contract.

Mr. HUGHES of New Jersey. But suppose the Government would not agree about selling the timber in the first place?

Mr. FITZGERALD. Then it could never have made the contract.

Mr. HUGHES of New Jersey. But suppose that, in response to a local need, as a favor to a community, it would let them have this timber, and then the local needs should pass away. Then, under the terms of the original contract, they would have to go on and cut the timber just the same.

Mr. BEALL of Texas. It is possible, Mr. Chairman, for the gentleman to imagine extreme cases in which the party who makes the contract with the Government would be compelled to abide by the contract to his injury and where the equities would suggest that he might be entitled to some relief. But for every one of these extreme cases there would probably be many more other cases where the parties would without any real equity seek to rescind their contract for the purchase of timber. Now, it makes a one-sided contract if, when the purchaser insists upon a compliance, the Government has to comply; but if by reason of changed conditions—and that is a term which has a great deal of latitude in its meaning—

Mr. LAMB. Mr. Chairman, will the gentleman permit me a suggestion right there?

Mr. BEALL of Texas. Yes.

Mr. LAMB. The gentleman has not studied this case.

Mr. BEALL of Texas. I do not really think it is necessary, Mr. Chairman, for a man to study this case very long to see the inequity of it and the injustice of it to the Government.

Now, take one illustration which the chairman of the committee submitted, where a man bought timber in the expectation that a certain improvement would be made, and expected to realize a profit out of that. His calculations went awry; that enterprise was not carried on as he expected; and so under this amendment he would have the right to come to the Government and ask for a modification of the contract.

But let us take another case. Suppose a man makes a contract with the Government for the purchase of timber with certain conditions prevailing, and after that contract is made there is a change of conditions which makes it very much more profitable to him than either he or the Government contemplated it would be. He would not go to the Government then and ask for any change or modification of the contract. On the contrary, he would stand upon his legal rights, and he would exact the last farthing from the Government upon his contract. This proposition here is simply to invite—

Mr. LAMB. The gentleman is predicating a case that would not occur here.

Mr. BEALL of Texas. I am predicating a case that might easily occur.

Mr. LAMB. It is specific. I will cite in the record two concrete cases referred to by the Secretary that illustrates the absolute necessity for the amendment.

Mr. BEALL of Texas. No; it is general. If the amendment of the gentleman were specific—

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUGHES of New Jersey. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Texas [Mr. BEALL] be extended five minutes.

The CHAIRMAN. The gentleman from New Jersey [Mr. HUGHES] asks unanimous consent that the time of the gentleman from Texas [Mr. BEALL] be extended five minutes. Is there objection?

There was no objection.

Mr. BEALL of Texas. If it could be construed in such a way that this amendment of the gentleman from Virginia would apply to that specific case only, of course it would not be a matter that would be of very much concern to the committee or of very much concern to the country. But he proposes to put into this appropriation bill a provision which is general in its nature, under the scope of which anybody who is dissatisfied with any contract that he has made with the Government could come on and ask for a modification of it. Why, they say it is subject to the control of the Secretary of Agriculture; but—

Mr. ELLERBE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Texas yield to the gentleman from South Carolina?

Mr. BEALL of Texas. Certainly.

Mr. ELLERBE. If the man who has made the contract comes and asks for this modification there is no provision in here that forces the Government, through its agents, to grant a modification, is there?

Mr. BEALL of Texas. No; there is no provision here that forces it, except by that silent force that always operates upon the Government that so often gives the Government the worst of it in a controversy with an individual. How many Senators and how many Representatives would go to the Secretary of Agriculture, where the interests of their constituents were involved, begging and importuning the Secretary and his subordinate officials to grant this relief?

The gentleman from South Carolina [Mr. ELLERBE] and every other gentleman knows the processes that would be carried on. The only effect of it and the only result of it will be injury and detriment and damage to the Government, and it will afford an avenue through which any man who makes a contract with the Government and then discovers that it is likely to be an unprofitable contract will begin to besiege the Department of Agriculture for a modification of it.

It is all wrong. It will not aid the Government. It will aid the man who makes a contract with the Government, expecting to get the better of the contract, and when conditions change somewhat and he discovers that his contract does not promise to be as profitable as he expected, then comes in and wants to be relieved from the obligations that he has assumed. The Government is held to its obligation, and the same rule should be applied to a man who makes a contract with the Government. [Applause.]

Mr. LAMB. Mr. Chairman, at this late hour I do not propose to press this matter further, but I do promise the committee that I will make it plain, in answer to my friend from Texas [Mr. BEALL], that this amendment ought to be agreed to.

I move that the committee do now rise.

The CHAIRMAN. Is the amendment withdrawn?

Mr. LAMB. No.

Mr. FITZGERALD. The point of order is reserved.

The CHAIRMAN. Does the gentleman insist on his point of order?

Mr. FITZGERALD. The gentleman from Virginia [Mr. LAMB] wishes to have the committee rise. Let the point of order be reserved.

The CHAIRMAN. The point of order is reserved. The gentleman from Virginia moves that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. JAMES having resumed the chair as Speaker pro tempore, Mr. BORLAND, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913, and had come to no resolution thereon.

#### LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted—

To Mr. STEPHENS of Mississippi, indefinitely, on account of illness.

To Mr. COTLEY, for two weeks, on account of illness.

To Mr. MORGAN, for 10 days, on account of important business.

To Mr. BLACKMON, for the day, on account of sickness.

#### LEAVE TO WITHDRAW PAPERS.

By unanimous consent, at the request of Mr. RIORNAN, leave was granted to withdraw from the files of the House, without



leaving copies, the papers in the case of Theresa Sheidmantel, H. R. 23232, second session Sixty-first Congress, no adverse report having been made thereon.

#### PANAMA CANAL HEARINGS.

Mr. FINLEY. Mr. Speaker, I ask present consideration of a privileged resolution which I send to the Clerk's desk.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 441.

Resolved, That 800 copies of hearings Nos. 1, 2, and 3 on the Panama Canal, before the Committee on Interstate and Foreign Commerce, House of Representatives, be printed for the use of the said committee.

The SPEAKER pro tempore. The Clerk will read the report (No. 404).

The Clerk read as follows:

The Committee on Printing, having had under consideration the House resolution (H. Res. 441) providing for the printing of 800 copies of Panama Canal hearings Nos. 1, 2, and 3, before the Committee on Interstate and Foreign Commerce, report the same back to the House with the recommendation that the resolution be agreed to. The estimated cost will be \$500.

The resolution was agreed to.

#### ADJOURNMENT.

Mr. LAMB. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 45 minutes p. m.) the House adjourned until Monday, March 11, 1912, at 12 o'clock noon.

#### EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Acting Secretary of the Navy submitting for an appropriation adjudicated claim of schooner *Margaret Haskell* for damages sustained by collision with U. S. S. *Ammen* (H. Doc. No. 606); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, submitting estimate of appropriation for repairs and improvement for New York (N. Y.) appraisers' stores (H. Doc. No. 604); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting petition signed by 79 United States storekeepers-gaugers in the fifth district of Illinois, requesting increase in their compensation (H. Doc. No. 605); to the Committee on Ways and Means and ordered to be printed.

4. A letter from the Secretary of Commerce and Labor, recommending that if an appropriation is authorized by Congress for the entertainment of representatives of international chambers of commerce that the Department of Commerce and Labor be given official authority to participate therein (H. Doc. No. 607); to the Committee on Foreign Affairs and ordered to be printed.

5. A letter from the Secretary of the Treasury, transmitting detailed statement of the refunds of customs duties, etc., for the fiscal year ended June 30, 1911 (H. Doc. No. 608); to the Committee on Ways and Means and ordered to be printed.

6. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of harbors of the island of Kauai, Hawaii (H. Doc. No. 609); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. FERRIS, from the Committee on Indian Affairs, to which was referred the bill (H. R. 16101) providing for patents to homesteads on the ceded portion of the Wind River Reservation in Wyoming, reported the same with amendment, accompanied by a report (No. 400), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WILSON of Pennsylvania, from the Special Committee to Investigate the Taylor and Other Systems of Shop Management, submitted a report thereon (No. 403), which said report was referred to the House Calendar.

Mr. BURNETT, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 1647) to amend an act entitled "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public

buildings, to authorize the erection and completion of public buildings, and for other purposes," reported the same without amendment, accompanied by a report (No. 402), which said bill and report were referred to the House Calendar.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. RUSSELL, from the Committee on Invalid Pensions, to which was referred sundry bills of the House, reported in lieu thereof the bill (H. R. 21597) granting pensions and increase of pensions for certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, accompanied by a report (No. 401), which said bill and report were referred to the Private Calendar.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 17865) granting an increase of pension to Nelson G. Smith, and the same was referred to the Committee on Pensions.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HUMPHREY of Washington: A bill (H. R. 21586) appropriating \$100,000 to be used by the Forest Service in constructing a road from the town of Glacier to Mount Baker, in the Mount Baker Forest Reserve; to the Committee on Agriculture.

By Mr. CARTER (by request): A bill (H. R. 21587) authorizing and directing the Secretary of the Interior to accept a surrender of certain segregated lands and to grant certain other lands of the same area in lieu thereof, to cancel certain claims for royalties, and for other purposes; to the Committee on the Public Lands.

By Mr. FERGUSON: A bill (H. R. 21588) to authorize the Secretary of the Treasury to pay to the governor of New Mexico, for the use of the State of New Mexico in the furnishing its capitol building, the unused balance of the sum appropriated for the purpose of defraying the expenses of the constitutional convention of said State and certain elections; to the Committee on Appropriations.

By Mr. HOWARD: A bill (H. R. 21589) to repeal the act authorizing the Director of the Census to collect and publish statistics of cotton ginned, approved February 23, 1901; to the Committee on the Census.

By Mr. RUSSELL: A bill (H. R. 21590) to authorize levee and drainage district No. 25, of Dunklin County, Mo., to construct and maintain a levee across a branch or cut-off of St. Francis River, in Missouri; to the Committee on Rivers and Harbors.

By Mr. JAMES: A bill (H. R. 21591) relating to the removal of civil cases from the State courts to United States courts; to the Committee on the Judiciary.

By Mr. CLAYTON: A bill (H. R. 21592) to amend the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," etc.; to the Committee on the Judiciary.

Also, a bill (H. R. 21593) to amend section 29 of the act entitled, "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898; to the Committee on the Judiciary.

Also, a bill (H. R. 21594) to appoint a commission to consider and report upon the general subject of the treatment of juvenile and first offenders, together with the best system of detention of Federal prisoners; to the Committee on the Judiciary.

By Mr. STERLING: A bill (H. R. 21595) to regulate the granting of restraining orders and injunctions; to the Committee on the Judiciary.

By Mr. ADAMSON: A bill (H. R. 21596) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone; to the Committee on Interstate and Foreign Commerce.

By Mr. SIMMONS: Resolution (H. Res. 445) to print additional copies of hearings before Committee on Foreign Affairs on H. R. 6746 and H. R. 7694; to the Committee on Printing.

By Mr. REILLY: Resolution (H. Res. 446) authorizing the payment of a certain sum of money to Mary Christmiller; to the Committee on Accounts.

By Mr. MCKINLEY: Resolution (H. Res. 447) authorizing the payment of a certain sum of money to Mary Perry; to the Committee on Accounts.



By Mr. SHARP: Resolution (H. Res. 448) requesting the Secretary of War to furnish information pertaining to the development of military aviation in the United States and foreign countries; to the Committee on Military Affairs.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXI, private bills and resolutions were introduced and severally referred as follows:

By Mr. RUSSELL: A bill (H. R. 21597) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; to the Committee of the Whole House.

By Mr. ADAIR: A bill (H. R. 21598) granting a pension to Jacob Eley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21599) granting a pension to Peter M. Shultz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21600) granting an increase of pension to Russell F. Oliver; to the Committee on Pensions.

By Mr. ANDRUS: A bill (H. R. 21601) for the relief of Thomas McClure; to the Committee on Military Affairs.

Also, a bill (H. R. 21602) granting an increase of pension to William Hopfensack; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21603) granting an increase of pension to Thomas Graham; to the Committee on Invalid Pensions.

By Mr. ANTHONY: A bill (H. R. 21604) for the relief of Christ Schrey; to the Committee on Claims.

Also, a bill (H. R. 21605) for the relief of Hugh Cameron; to the Committee on Claims.

Also, a bill (H. R. 21606) granting a pension to Virginia M. Mills; to the Committee on Pensions.

By Mr. BATHRICK: A bill (H. R. 21607) granting an increase of pension to Barney L. Starin; to the Committee on Invalid Pensions.

By Mr. BOWMAN: A bill (H. R. 21608) granting an increase of pension to Addison Miller; to the Committee on Invalid Pensions.

By Mr. BROUSSARD: A bill (H. R. 21609) for the relief of Darnas Hebert; to the Committee on War Claims.

Also, a bill (H. R. 21610) for the relief of Joseph Bernard; to the Committee on War Claims.

Also, a bill (H. R. 21611) for the relief of Auguste Albarado; to the Committee on War Claims.

Also, a bill (H. R. 21612) for the relief of Jules J. Dubernard; to the Committee on War Claims.

Also, a bill (H. R. 21613) for the relief of Katherine Smith; to the Committee on War Claims.

Also, a bill (H. R. 21614) for the relief of Marie Alexander; to the Committee on War Claims.

Also, a bill (H. R. 21615) for the relief of Eleanore Nevin; to the Committee on War Claims.

Also, a bill (H. R. 21616) for the relief of Esmerante Arseaux and heirs of Ovignac Arseaux, deceased; to the Committee on War Claims.

Also, a bill (H. R. 21617) for the relief of the heirs of Edward Sigur, deceased; to the Committee on War Claims.

Also, a bill (H. R. 21618) for the relief of the heirs of George Sallinger; to the Committee on War Claims.

Also, a bill (H. R. 21619) for the relief of the heirs of N. Hermogene Breaux; to the Committee on War Claims.

Also, a bill (H. R. 21620) for the relief of the heirs of John Vigneaux, deceased; to the Committee on War Claims.

Also, a bill (H. R. 21621) for the relief of the heirs of Desire Landry; to the Committee on War Claims.

Also, a bill (H. R. 21622) for the relief of the heirs of Owen Conlan, deceased; to the Committee on War Claims.

Also, a bill (H. R. 21623) for the relief of the heirs of Pierre Emile Arceneaux; to the Committee on War Claims.

Also, a bill (H. R. 21624) for the relief of the heirs of Ursin Bernard; to the Committee on War Claims.

Also, a bill (H. R. 21625) for the relief of the heirs of Louis Broussard; to the Committee on War Claims.

Also, a bill (H. R. 21626) for the relief of the heirs of Sevenne Boudreau; to the Committee on War Claims.

Also, a bill (H. R. 21627) for the relief of the heirs of Carmelite Boudreau; to the Committee on War Claims.

Also, a bill (H. R. 21628) for the relief of the heirs of Joseph Ursin Broussard; to the Committee on War Claims.

Also, a bill (H. R. 21629) for the relief of the heirs of Natalie Boudreau and Severin Landry, deceased; to the Committee on War Claims.

Also, a bill (H. R. 21630) for the relief of the heirs of Pierre Arvillien Broussard, deceased; to the Committee on War Claims.

Also, a bill (H. R. 21631) for the relief of the heirs of Onezime Melancon, deceased; to the Committee on War Claims.

Also, a bill (H. R. 21632) for the relief of the heirs of Duplessin Broussard, deceased; to the Committee on War Claims.

Also, a bill (H. R. 21633) for the relief of the heirs of Jean Southeune Mouton, deceased; to the Committee on War Claims.

Also, a bill (H. R. 21634) for the relief of the heirs or estate of Aymar Mouton, deceased; to the Committee on War Claims.

By Mr. BURKE of Wisconsin: A bill (H. R. 21635) granting an increase of pension to August Arnoldi; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21636) granting an increase of pension to Henry Prange; to the Committee on Invalid Pensions.

By Mr. CARTER: A bill (H. R. 21637) granting an honorable discharge to John T. Turner; to the Committee on Military Affairs.

By Mr. CRAGO: A bill (H. R. 21638) granting a pension to Isabell Kelly; to the Committee on Invalid Pensions.

By Mr. CLAYPOOL: A bill (H. R. 21639) granting a pension to Bishop Karshner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21640) granting an increase of pension to William S. Donohoe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21641) granting an increase of pension to John C. McIntire; to the Committee on Invalid Pensions.

By Mr. CLAYTON: A bill (H. R. 21642) granting a pension to Lula B. Cowart; to the Committee on Pensions.

By Mr. DUPRÉ: A bill (H. R. 21643) for the relief of Joseph B. Dornier, administrator of the estate of Jules and Louisa Dornier, deceased; to the Committee on War Claims.

By Mr. FIELDS: A bill (H. R. 21644) granting an increase of pension to Frederick Arn; to the Committee on Invalid Pensions.

By Mr. GALLAGHER: A bill (H. R. 21645) granting an increase of pension to Robert Lewis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21646) granting an increase of pension to Peter J. Shanley; to the Committee on Invalid Pensions.

By Mr. HARTMAN: A bill (H. R. 21647) granting a pension to Gertrude Clites; to the Committee on Invalid Pensions.

By Mr. HUMPHREY of Washington: A bill (H. R. 21648) for the relief of Harry O. Clark; to the Committee on Claims.

By Mr. JAMES: A bill (H. R. 21649) for the relief of John R. Martin; to the Committee on War Claims.

Also, a bill (H. R. 21650) for the relief of J. C. Peeples; to the Committee on War Claims.

Also, a bill (H. R. 21651) for the relief of J. M. Woolf; to the Committee on War Claims.

Also, a bill (H. R. 21652) for the relief of Benjamin R. Waller; to the Committee on War Claims.

Also, a bill (H. R. 21653) for the relief of John C. Henley; to the Committee on War Claims.

Also, a bill (H. R. 21654) for the relief of S. Hodge; to the Committee on War Claims.

Also, a bill (H. R. 21655) for the relief of J. C. Shelby; to the Committee on War Claims.

Also, a bill (H. R. 21656) for the relief of William H. Calvert; to the Committee on War Claims.

Also, a bill (H. R. 21657) for the relief of Mary English; to the Committee on War Claims.

Also, a bill (H. R. 21658) for the relief of J. C. Glenn; to the Committee on War Claims.

Also, a bill (H. R. 21659) for the relief of George W. Landram and H. M. Hensor; to the Committee on War Claims.

Also, a bill (H. R. 21660) for the relief of Columbus Doom and the estate of Ben Doom, deceased; to the Committee on War Claims.

Also, a bill (H. R. 21661) for the relief of the heirs of Joseph Chandet; to the Committee on War Claims.

Also, a bill (H. R. 21662) for the relief of the heirs of C. R. Young, deceased; to the Committee on War Claims.

Also, a bill (H. R. 21663) for the relief of the estate of John Allred; to the Committee on War Claims.

Also, a bill (H. R. 21664) for the relief of the estate of N. N. Rice, deceased; to the Committee on War Claims.

Also, a bill (H. R. 21665) for the relief of the estate of Seth Wright, deceased; to the Committee on War Claims.

Also, a bill (H. R. 21666) for the relief of the estate of John M. Higgins, deceased; to the Committee on War Claims.

Also, a bill (H. R. 21667) for the relief of the estate of W. M. O'Hara, deceased; to the Committee on War Claims.

Also, a bill (H. R. 21668) for the relief of the estate of S. F. Crider; to the Committee on Claims.

Also, a bill (H. R. 21669) for the relief of the estate of Mary H. S. Robertson, deceased; to the Committee on War Claims.

Also, a bill (H. R. 21670) for the relief of the estates of John H. Stovall, William Hughes, and Timothy L. Hughes; to the Committee on War Claims.



Also, a bill (H. R. 21671) for the relief of the estate of Leander Johnsey, deceased; to the Committee on War Claims.

Also, a bill (H. R. 21672) for the relief of the estate of Jonathan Polk, deceased; to the Committee on War Claims.

Also, a bill (H. R. 21673) for the relief of the estate of Timothy Burgess, deceased; to the Committee on War Claims.

Also, a bill (H. R. 21674) for the relief of the estate of H. Cothis, deceased; to the Committee on War Claims.

Also, a bill (H. R. 21675) for the relief of the estate of J. Milton Best, deceased; to the Committee on War Claims.

Also, a bill (H. R. 21676) for the relief of the estate of P. F. Watterfield; to the Committee on War Claims.

Also, a bill (H. R. 21677) for the relief of the estate of T. J. Pritchett, deceased; to the Committee on War Claims.

Also, a bill (H. R. 21678) for the relief of the estate of James A. Gregory, deceased; to the Committee on War Claims.

Also, a bill (H. R. 21679) for the relief of the estate of Richard Pemberton, deceased; to the Committee on War Claims.

Also, a bill (H. R. 21680) for the relief of the estates of M. F. de Graffenried and T. D. de Graffenried, deceased; to the Committee on War Claims.

Also, a bill (H. R. 21681) for the relief of the Christian Church of Cadiz, Ky.; to the Committee on War Claims.

Also, a bill (H. R. 21682) for the Relief of the trustees of the Methodist Episcopal Church South, at Paducah, Ky.; to the Committee on War Claims.

By Mr. LITTLEPAGE: A bill (H. R. 21683) granting an increase of pension to Samuel P. Robinson; to the Committee on Invalid Pensions.

By Mr. MURRAY: A bill (H. R. 21684) granting an increase of pension to Johanna Ward; to the Committee on Pensions.

Also, a bill (H. R. 21685) for the relief of James L. Dalton; to the Committee on Claims.

By Mr. NEELEY: A bill (H. R. 21686) granting a pension to Othello A. Sherman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21687) granting an increase of pension to John G. Parker; to the Committee on Invalid Pensions.

By Mr. POST: A bill (H. R. 21688) granting a pension to Jacobena Schneider McGath; to the Committee on Invalid Pensions.

By Mr. PUJO: A bill (H. R. 21689) granting an increase of pension to Ephraim Martin; to the Committee on Invalid Pensions.

By Mr. REILLY: A bill (H. R. 21690) granting an increase of pension to Ann Fagan; to the Committee on Invalid Pensions.

By Mr. SHARP: A bill (H. R. 21691) granting a pension to Adeline Beaver; to the Committee on Invalid Pensions.

By Mr. SMITH of Texas: A bill (H. R. 21692) for the relief of John B. Hill; to the Committee on Claims.

By Mr. SWITZER: A bill (H. R. 21693) granting an increase of pension to Henry M. Sharp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21694) to remove the charge of desertion from the military record of Thomas Jefferson McCollister; to the Committee on Military Affairs.

By Mr. TAYLOR of Alabama: A bill (H. R. 21695) for the relief of Lydia H. Powers; to the Committee on War Claims.

By Mr. WILLIS: A bill (H. R. 21696) granting an increase of pension to John Hendershott; to the Committee on Invalid Pensions.

By Mr. YOUNG of Kansas: A bill (H. R. 21697) granting an increase of pension to George A. Stewart; to the Committee on Invalid Pensions.

By Mr. DAVIS of Minnesota: A bill (H. R. 21698) granting a pension to Evan A. Evans; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 21699) granting an increase of pension to James L. Warner; to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Memorial of the Tug Firemen and Linemen Protective Association of the Great Lakes, requesting that a rivers and harbors bill be passed at this session of Congress; to the Committee on Rivers and Harbors.

Also, memorial of Gregorio Cortes, of Huntsville, Tex., relative to conditions in Mexico; to the Committee on Military Affairs.

By Mr. AKIN of New York: Petition of the Woman's Christian Temperance Union of Glens Falls, N. Y., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. ANSBERRY: Petition of Association of Army Nurses of the Civil War, of Germantown, Pa., favoring the granting of pensions to volunteer Army nurses; to the Committee on Pensions.

By Mr. ASHBROOK: Petition of General Federation of Woman's Clubs, for passage of the children's bureau bill; to the Committee on Labor.

Also, petition of Watkins & Dague, merchants, of Doylestown, Ohio, in opposition to the proposed parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of the Gale Manufacturing Co., of Albion, Mich., for enactment of House bill 18981; to the Committee on Public Buildings and Grounds.

By Mr. BOWMAN: Petition of General Federation of Women's Clubs, for a children's bureau; to the Committee on Labor.

Also, petition of members of Company K, Tenth Regiment Pennsylvania Volunteer Infantry, for enactment of House bill 18502; to the Committee on Military Affairs.

By Mr. BROUSSARD: Papers to accompany bills for the relief of Marie Alexander; Emerante Arseneaux and estate of Ovigac Arseneaux, deceased; N. Hermogene Breaux, deceased; Darnas Hebert; estate of John Vigneaux; estate of J. Ursin Broussard, deceased; estate of Desire Landry, deceased; Joseph Bernard, jr.; estate of Duplessin Broussard, deceased; Onezima Melancon; estate of Pierre Arvillien Broussard, deceased; estate of Natalie Boudreau; heirs of Jean Southeune Mouton, deceased; estate of Owen Conlan, deceased; estate of P. Emile Arceneaux; Jules J. Dubernard; heirs of Carmelite Boudreau, deceased; heirs of Sevenne Boudreau, deceased; Louis Broussard; estate of Ursin Bernard, deceased; Auguste Albarado; Eleonore Neven; and estate of Aymar Mouton, deceased; to the Committee on War Claims.

By Mr. BURKE of Wisconsin: Papers to accompany House bill 19812, to remove the charge of desertion against John L. Kelly; to the Committee on Military Affairs.

Also, petition of St. Antonius Society of Mount Calvary, Wis.; from the St. Nicholas Society of Port Washington, Wis.; from the St. Joseph's Society of St. Cloud, Wis.; from the St. Boniface Society of Sheboygan, Wis.; from the county Federation of Catholic Societies; and the St. Peter Claver Society, of Sheboygan, Wis., against the passage of a resolution of inquiry concerning Government institutions in which citizens wearing the habit of religious orders are employed; to the Committee on Indian Affairs.

Also, petition of citizens of Reeseville, Wis., against the passage of any legislation extending the parcel-post service; to the Committee on the Post Office and Post Roads.

By Mr. BURLESON: Petition of Mishawaka Woman's Club, Mishawaka, Ind.; of Woman's Study Club, Wimbledon, N. Dak.; of Woman's Club, Phoenixville, Pa., urging Congress to order investigation of disease in dairy products; to the Committee on Agriculture.

Also, petition of Woman's Club, Phoenixville, Pa., urging repeal of tax on oleomargarine; to the Committee on Agriculture.

Also, petition of Leonard Eck and other citizens of Teck, Travis County, Tex., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of C. E. Nash, president Nash Hardware Co., Fort Worth, Tex., urging reduction of letter postage from 2 cents to 1 cent; to the Committee on the Post Office and Post Roads.

Also, petitions of Woman's Christian Temperance Union of Austin, Tex., and Woman's Christian Temperance Union of Caldwell, Tex., in support of bill to prohibit interstate shipments of intoxicating liquors into "dry" territory; to the Committee on the Judiciary.

By Mr. BURNETT: Petition of citizens of Dekalb County, Ala., protesting against enactment of Senate bill 237; to the Committee on the District of Columbia.

By Mr. CALDER: Petition of Eva Perry Moore, president general of General Federation of Women's Clubs, favoring the children's bureau bill (S. 252); to the Committee on Labor.

Also, petition of E. J. Babcock, dean of the College of Mining Engineering, University of North Dakota, University, N. Dak., favoring the Foster bill (H. R. 6304); to the Committee on Mines and Mining.

By Mr. CARTER: Petitions of citizens of the State of Oklahoma, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. CRAGO: Petition of members of Company K, Tenth Regiment Pennsylvania Volunteer Infantry, for enactment of House bill 18502; to the Committee on Military Affairs.

Also, petition of the Green County (Pa.) Pomona Grange, for enactment of House bill 19133; to the Committee on Interstate and Foreign Commerce.



By Mr. DICKINSON: Petition of the pastors of the Methodist, United Brethren, and Presbyterian Churches and the president of the Woman's Christian Temperance Union of Raymore, Mo., in favor of the passage of House resolution 163; to the Committee on the Judiciary.

By Mr. DODDS: Petition of citizens of Pierson, Mich., for enactment of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. MICHAEL E. DRISCOLL: Petition of sundry citizens of the State of New York, for the passage of the Kenyon-Sheppard interstate-commerce liquor bill; to the Committee on the Judiciary.

Also, petition of residents of Solvay, N. Y., in favor of the Kenyon-Sheppard bill; to the Committee on the Judiciary.

Also, petition of residents of Onondaga County, N. Y., in favor of the Kenyon-Sheppard bill; to the Committee on the Judiciary.

By Mr. ESCH: Petition of citizens of Wilton, Wis., protesting against House bill 18493; to the Committee on Agriculture.

By Mr. FERGUSON: Petition of citizens of Taiban, N. Mex., in favor of parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. FORNES: Memorial of Polish National Alliance, against further restrictions in the immigration laws; to the Committee on Immigration and Naturalization.

Also, petition of E. E. Vogel, of New York City, protesting against enactment of House bill 16844; to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Petition of Albert E. Lakin, of Streator, Ill., favoring the passage of House bill 17470, to pension widows of Spanish War veterans; to the Committee on Pensions.

Also, petition of Cooperative Furniture Co., of Rockford, Ill., against the passage of the Underwood bill (H. R. 20182), relating to the chemical schedule; to the Committee on Ways and Means.

Also, petition of Methodist Episcopal Church of Gardner, Ill., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of Henry Stahle, of Plano, Ill., in opposition to the passage of parcel-post law; to the Committee on the Post Office and Post Roads.

By Mr. GARNER: Petition of members of the German-American National Organization, of Hochheim Prairie, Tex., against interstate commerce liquor legislation; to the Committee on the Judiciary.

Also, petitions of officers of St. Joseph's Society and citizens of D'Hanis, Tex., and officers of St. Jacobus's Society and citizens of Sequin, Tex., protesting against measures relating to Indian mission interests; to the Committee on Indian Affairs.

By Mr. GOLDFOGLE: Petitions of Havens & Geddes Co. and Geddes-Brown Shoe Co., of Indianapolis, Ind.; Simpson-Crawford Co., of New York; John V. Farwell Co., of Chicago, Ill.; and John E. Hurst & Co., of Baltimore, Md., protesting against House bill 16844; to the Committee on Interstate and Foreign Commerce.

By Mr. GUERNSEY: Petition of citizens of Chester, Me., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HAMMOND: Petition of M. J. Fry and 33 others, of Springfield, Minn., against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. HANNA: Petition from sundry citizens of Michigan, N. Dak., against the parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of Walter R. Lee, secretary Plumbers' Local Union 338, and sundry citizens of Fargo, N. Dak., in favor of building one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of G. J. Shubart, Palermo, N. Dak., favoring reduction of duty on sugars; to the Committee on Ways and Means.

Also, petition of Methodist Episcopal Church of Devils Lake, N. Dak., favoring Kenyon-Sheppard interstate liquor bills (S. 4043, H. R. 16214); to the Committee on the Judiciary.

Also, petition of W. D. Robertson, of Velva, N. Dak., favoring parcel post; to the Committee on the Post Office and Post Roads.

By Mr. HARTMAN: Petition of citizens of Patton, Pa., for passage of Berger old-age pension bill; to the Committee on Pensions.

Also, petitions of Catholic societies of Johnstown and Loretto, Pa., in regard to measures relating to Catholic Indian mission interests; to the Committee on Indian Affairs.

By Mr. HAWLEY: Petitions of Woman's Christian Temperance Union and citizens of Portland, Oreg.; the Presbyterian Church of Fairmount, Oreg.; citizens of Plainview, Oreg.; and

of the Woman's Christian Temperance Union of East Eugene, Oreg., favoring the passage of the Kenyon-Sheppard bill; to the Committee on the Judiciary.

Also, petition of merchants of Medford, Oreg., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. HOWELL: Petition of citizens of Salt Lake City, Utah, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. KINKAID of Nebraska: Petition of citizens of Scotts Bluff, protesting against the passage of any parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petitions signed by citizens of Gothenburg, Nebr., urging the passage of House bill 16689, validating sales of part of right of way of Union Pacific Railroad; to the Committee on the Public Lands.

By Mr. LEE of Pennsylvania: Petition of Merchants' Association of Cresson, Pa., against extension of parcel-post law; to the Committee on the Post Office and Post Roads.

Also, petition of Neal Dow Woman's Christian Temperance Union, Cresson, Pa., against repeal of anticanteen law; to the Committee on the Judiciary.

By Mr. LINDSAY: Petition of General Federation of Woman's Clubs, in favor of children's bureau; to the Committee on Labor.

By Mr. LOUD: Petition of Five Lakes Grange, Gaylord, Mich., urging the passage of parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. MCGILLICUDDY: Petitions of Brotherhood of First Baptist Church of Bath, Me.; Woman's Christian Temperance Unions of Bowdoin, Lisbon, and Webster; H. T. Crockett et al., North Haven, Me.; First Baptist Church of Belfast, Me.; Methodist Episcopal Church and Congregational Church of Belfast, Me.; Men's Class of Universalist Church of Belfast, Me.; Christian Endeavor Society of Troy and citizens of Citypoint, Me.; and First Congregational Church of Belfast, Me., favoring the passage of the Kenyon-Sheppard bill; to the Committee on the Judiciary.

By Mr. MCHENRY: Petition of Fort McClure Chapter, Daughters of the American Revolution, Bloomsburg, Pa., urging passage of House bill 19641; to the Committee on Appropriations.

By Mr. McLAUGHLIN: Petition of H. W. Sachs and two others, residents of Edgetts, Mich., against establishing parcel post; to the Committee on the Post Office and Post Roads.

By Mr. McMORRAN: Petitions of voters of Dryden, Mich., and citizens of Port Huron, Mich., in favor of the passage of the Kenyon-Sheppard bill; to the committee on the Judiciary.

Also, petition of some business men of Columbiaville, Mich., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. MOTTE: Petition of Albion Center Grange, of Albion Center, N. Y., in favor of parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of Grange of East Rodman, N. Y., against the Lever bill; to the Committee on Agriculture.

Also, memorial of veterans of the Civil War, of Carthage, N. Y., against the Smoot pension bill; to the Committee on Pensions.

By Mr. NEEDHAM: Petitions of Alameda and San Francisco Centers of the California Civic League, and the Mothers' Club of Sausalito, Cal., for more effective enforcement of the "white slave traffic act"; to the Committee on the Judiciary.

By Mr. NEELEY: Petitions of Woman's Christian Temperance Union of Hoisington, and citizens of Harper County, Kans., for enactment of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of citizens of Hutchinson, Kans., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Seward County, Kans., for passage of Berger old-age pension bill; to the Committee on Pensions.

Also, petitions of Woman's Christian Temperance Unions of Alamota and Pendennis, and citizens of McCracken, Kans., for enactment of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of citizens of Brownell, Kans., for passage of Berger old-age pension bill; to the Committee on Pensions.

By Mr. NYE: Petition of citizens of Minneapolis, Minn., favoring the enactment of the Berger bill, providing for old-age pensions; to the Committee on the Post Office and Post Roads.

By Mr. PETERS: Petition of citizens of the State of Massachusetts, asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

By Mr. PRAY: Petition of merchants of Eureka, Mont., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.



Also, petition of residents of Cleveland, Mont., for enactment of House bill 14; to the Committee on the Post Office and Post Roads.

Also, petitions of churches of Butte and residents of Butte and Walkerville, Mont., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petitions of residents of Chester and Wibaux, Mont., for amendment to the public-land laws; to the Committee on the Public Lands.

Also, petition of residents of Butte, Meaderville, and Walkerville, Mont., for enactment of Esch phosphorus bill; to the Committee on Ways and Means.

By Mr. PUJO (by request): Petitions of union mass meeting of Leesville, La., and De Ridder, La., for the speedy passage of the Kenyon-Sheppard interstate-commerce liquor bill; to the Committee on the Judiciary.

By Mr. REILLY: Memorial of Wright & Wilhelmy Co., of Omaha, Nebr., favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, memorial of the Mississippi Retail Hardware Association, against parcel-post laws; to the Committee on the Post Office and Post Roads.

Also, memorial of the Lee Hardware Co., of Salina, Kans., favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, memorial of L. Kuhn, James J. Bowman, and other citizens of Connecticut, favoring the insertion of a clause in naval appropriation bill for the building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of Edward M. Weber and 25 other citizens of Connecticut, favoring the building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. RIORDAN: Papers to accompany bill for the relief of Herman E. Jansen (H. R. 21579); to the Committee on Pensions.

By Mr. SHARP: Petition of citizens of New London, Ohio, for enactment of House bill 16819; to the Committee on the Post Office and Post Roads.

By Mr. SHERWOOD: Petition of Civil War veterans in Ohio, for enactment of the Sherwood pension bill; to the Committee on Invalid Pensions.

By Mr. SIMS: Petitions of citizens of Jackson, Tenn., for enactment of an effective interstate liquor law; to the Committee on the Judiciary.

Also, petitions of citizens of Jackson, Tenn., for passage of Berger old-age pension bill; to the Committee on Pensions.

By Mr. STEPHENS of California: Petitions of Chamber of Commerce of Sacramento, Los Angeles Chamber of Commerce,

Marine Engineers' Association, California Miners' Association, San Francisco Clearing House Association, San Francisco Labor Council, and Alameda Chamber of Commerce, protesting against the reduction of appropriation for the United States Mint at San Francisco; to the Committee on Appropriations.

By Mr. STERLING: Petition of citizens of San Jose, Ill., protesting against parcel post; to the Committee on the Post Office and Post Roads.

By Mr. TAYLOR of Alabama: Papers to accompany bill for the relief of Lydia H. Powers; to the Committee on War Claims.

By Mr. TILSON: Petition of Connecticut Hardware Association, for 1-cent letter postage and opposing extension of parcel post; to the Committee on the Post Office and Post Roads.

By Mr. TRIBBLE: Petitions of citizens of Hartwell, Lavonia, and Royston, Ga., urging reduction in duties on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of citizens of Lavonia, Ga., protesting against extension of parcel-post service; to the Committee on the Post Office and Post Roads.

By Mr. TOWNER: Petition of B. B. Braden for the members of the First Baptist Church of Creston, Iowa, favoring the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of W. H. Harnagel and 17 other citizens, of Clarinda, Iowa, against parcel post; to the Committee on the Post Office and Post Roads.

By Mr. UNDERHILL: Petitions of citizens of Horseheads, N. Y., for enactment of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. WATKINS: Memorial of mass meeting of citizens of Mansfield, La., favoring passage of the Kenyon-Sheppard bill for removal of interstate-commerce protection to shipments of liquor into "dry" territory for illegal purposes; to the Committee on the Judiciary.

By Mr. YOUNG of Kansas: Petition of citizens of Glen Elder, Kans., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Ellsworth, Russell, Osborne, and Phillips Counties, Kans., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Ellsworth, Russell, Osborne, and Phillips Counties, Kans., for regulation of express rates and classifications; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Sherman and Thomas Counties, Kans., for passage of Berger old-age pension bill; to the Committee on Pensions.